



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, JUNE 19, 2019

No. 103

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker.

### MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 3, 2019, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties. All time shall be equally allocated between the parties, and in no event shall debate continue beyond 11:50 a.m. Each Member, other than the majority and minority leaders and the minority whip, shall be limited to 5 minutes.

### THE PRESIDENT IS NOT ABOVE THE LAW

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GREEN) for 5 minutes.

Mr. GREEN of Texas. Madam Speaker, and still I rise. I rise because I love my country, and I rise today because we are celebrating and commemorating, to a certain extent, Juneteenth, when General Gordon Granger arrived in Galveston, Texas, to alert, announce to the slaves, if you will, that they had been freed pursuant to the Emancipation Proclamation.

I am pleased that General Granger did this. I am pleased because liberation is a wonderful thing. Nobody should be enslaved. But I am also concerned that that liberation has not completely obliterated the bigotry that ensued after the liberation.

In this country, we still suffer from bigotry, hatred, racism, homophobia, xenophobia, Islamophobia, all of the various ugliness that can cause some people to receive less than the American Dream that others receive.

And here in this country today, we, in the House of Representatives, have a

unique opportunity to do something about bigotry in our country. We have an opportunity to do something about a President who has now been above the law for some 63 days, 63 days since the Mueller report was presented to the public, 63 days above the law since the Mueller report.

My contention is he has been above the law since he fired Mr. Comey some 2 years plus ago. But the President being above the law is something that can be remedied.

Babies shouldn't be separated from their parents. I read a story just yesterday about the youngest person to be separated, a 4-month-old baby, separated from parents for approximately 6 months. The baby was separated for such a prolonged period of time that the baby did not recognize the parents when the unity took place with the parents, the reuniting took place.

I am so saddened by these kinds of incidents, but the truth is, the House of Representatives can do something about bigotry emanating from the Presidency. The House of Representatives can impeach a President for bigotry emanating from his Presidency.

And I believe that this House should do this, but I am also saddened by the fact that we appear to be a House that is driven by polls.

Polls direct us, snapshots in time, about the opinions of the public. I am saddened by the fact that we seem to be driven by polls because I can only imagine what would have happened had they taken a poll before crossing the Edmund Pettus Bridge on Bloody Sunday.

I can only imagine what the poll would have said if Rosa Parks had taken one before she took that seat in a racist southern town on that bus.

I can only imagine what the polls would have said if Lincoln had decided to poll the country before moving forward with the Emancipation Proclamation or the 13th Amendment.

Polls should not drive a righteous cause; a righteous cause should drive the polls.

It is time for this Congress that has the authority to move forward with impeachment to do so. We have not served our country well by relying on polls. Polls are wonderful, but not for righteous causes.

With a righteous cause, you take a stand, and you move forward. When you don't take that cause, you are not serving a righteous cause well.

The SPEAKER pro tempore (Mr. CUELLAR). Members are reminded to refrain from engaging in personalities toward the President.

### INTRODUCING THE FEED EMERGENCY ENHANCEMENT DURING DISASTERS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from South Dakota (Mr. JOHNSON) for 5 minutes.

Mr. JOHNSON of South Dakota. Mr. Speaker, it is wet in farm country. In fact, our corn planting is so far behind that many South Dakota producers aren't quite sure how they are going to feed the 5 million cattle that are in our State.

Now, these producers don't want a new government program. They cannot feed their cattle dollar bills. What they want, what they need, is the flexibility to help themselves.

That is why Congresswoman ANGIE CRAIG and I introduced the FEEDD Act. It would provide the USDA the flexibility needed so that producers can go in and hay, graze, or chop cover crops that are on prevent plant acres and do that before November 1. Moving that date from November 1 to September 1 could make a real impact. The forage we need will come from those acres. It will come from that flexibility.

Already this bill has received 27 co-sponsors and has been endorsed by 17

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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national ag groups. I look forward to working with them, to working with the Agriculture Committee, to working with House leadership to move this concept forward.

We also have another option. USDA could do this administratively, and we continue to discuss with them the opportunity to get this success in that way.

#### INVESTING IN GUN VIOLENCE RESEARCH

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Georgia (Mrs. MCBATH) for 5 minutes.

Mrs. MCBATH. Mr. Speaker, I rise today to urge action to end the public health crisis of gun violence.

Every day, nearly 100 people are killed in suicides, homicides, and accidents involving guns, but we have not invested nearly enough in preventing these deaths. Of the top 30 causes of death, 29 received more research funding than guns. But today, this body will vote to invest in gun violence research at the Centers for Disease Control and the National Institutes of Health.

I recently visited the Centers for Disease Control Injury Center which is in my district. With this critical funding, they will learn how we can prevent gun tragedies. This investment is long overdue, and I was proud to lead my colleagues in asking for this funding.

We have the responsibility to pursue life-saving research, and today we vote to end gun violence.

As a survivor of gun violence, I could not be more proud of the measures that we have taken to save the countless numbers of lives that may be affected by gun violence in the future. The time has passed for my son. The time has passed for others like my son who was killed unnecessarily due to gun violence, but I am so grateful for this day.

I am so grateful for the funding for the research that will save many, many lives for generations to come.

#### RECOGNIZING HONDA MANUFACTURING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Indiana (Mr. PENCE) for 5 minutes.

Mr. PENCE. Mr. Speaker, I rise today to recognize Honda Manufacturing of Indiana for reaching the milestone of 2 million vehicles built in Indiana. This accomplishment is a testament to Honda's commitment to Indiana, the Sixth District, and to Greensburg. It is also a testament to the strength and capabilities of our workforce in the Sixth District and across Indiana.

With employment of more than 2,500 Hoosiers and investment exceeding \$1 billion, Honda Manufacturing of Indiana now has the capacity to produce 250,000 vehicles a year. In 2018 alone, Honda purchased more than \$2.2 billion in parts from 51 suppliers located in Indiana.

On behalf of the people of Indiana's Sixth Congressional District, I want to congratulate Honda in Greensburg on achieving this incredible milestone.

#### RECOGNIZING HOOSIERS ATTENDING MILITARY SERVICE ACADEMIES

Mr. PENCE. Mr. Speaker, I want to recognize Hoosiers who are answering the call to serve. The Sixth District of Indiana has an outstanding history in our Nation's Armed Forces.

Today, we take a minute to recognize a few young men and women from the Sixth District who are continuing that tradition of service.

This year, the Sixth District of Indiana will be sending 10 students to the military academies across the country.

Noah Algee of Columbus, Christian Hunt of Yorktown, Zachary Kuhn of Shelbyville, and Caroline Swenson of Columbus will be attending West Point Military Academy.

Finn Anderson of Columbus, Nathan Dickman of Richmond, and Sam Russell of Columbus will be attending the Naval Academy.

Sam Horak of Columbus, Michael McGaha of Hope, and Emma Smith of Columbus will be attending the Air Force Academy.

Congratulations to these 10 young Hoosiers who make all of us proud. I thank them for choosing a path of service to our country.

#### BIODIESEL TAX CREDIT HELPS HOOSIERS

Mr. PENCE. Mr. Speaker, I urge my colleagues to pass the Biodiesel Tax Credit Extension Act of 2019 so that Hoosier biodiesel producers and farmers can operate with some certainty.

Biodiesel is a big market for soybeans in my district. Biodiesel companies and their employees are facing an uncertain future because the biodiesel tax incentive has been expired for 15 months.

The economic pressure is threatening the future of the industry, putting good-paying jobs and production of domestic fuel at stake. It is adding economic pressure to farmers, especially in our home State of Indiana, who are already being hit hard by unfavorable weather conditions.

If enacted, this bill will provide agriculture economy certainty and relief for 2018 and 2019. The fact that it has expired has put the brakes on the development of new biodiesel plants, and it has curtailed biodiesel production.

The biodiesel tax incentive helps Hoosier producers and farmers continue to invest in our future for growth, creating jobs and economic opportunity.

#### REINVESTING IN INFRASTRUCTURE

Mr. PENCE. Mr. Speaker, I want to reiterate my commitment to reinvesting in our infrastructure. As a businessman with experience in transporting goods, I understand the critical role of infrastructure in our economy.

We must put our partisan differences aside and explore every avenue to upgrade America's infrastructure. Of course, we must be transparent and de-

liberate. The plan must be cost effective with tangible returns on our investment.

In Indiana, we have a website where you can see the dollars being dedicated to infrastructure, and you can track each taxpayer-funded project, its progress towards completion, and we need to do this at the Federal level.

As the crossroads of America, the rest of the Nation can look to Indiana for guidance on how to get something done to upgrade America's crumbling infrastructure.

#### SUPPORTING PROUD VENEZUELAN PATRIOTS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Mrs. MURPHY) for 5 minutes.

Mrs. MURPHY. Mr. Speaker, yesterday the House approved an amendment I offered to the State-Foreign Operations Appropriations bill for fiscal year 2020, and I wanted to take this opportunity to explain the amendment.

There is a humanitarian crisis in Venezuela, and it is man-made. In my view, the people of Venezuela will not prosper as long as the regime of Nicolas Maduro remains in power. The regime has proven itself to be cruel, incompetent, and anti-democratic. It is driving what was one of Latin America's most vibrant nations into the ground.

The United States cannot be passive. We must stand behind the proud Venezuelan patriots who are struggling to reclaim their country from the regime that is destroying it.

Like last year's bill, this year's State-Foreign Operations bill provides \$17.5 million for USAID and State Department programs to promote democracy and the rule of law in Venezuela. This funding is drawn from the nearly \$2.2 billion in economic support funds that the bill provides for countries around the world. That is good, but we can and we should do better.

Because the situation in Venezuela has significantly worsened in recent months, our amendment would increase the \$17.5 million for Venezuela by \$3 million for a total of \$20.5 million. This enhanced funding will be used for five main purposes in Venezuela: to defend human rights, strengthen civil society, improve governance, support independent media, and promote fair and transparent elections.

Currently, USAID programs in Venezuela are being conducted through several U.S.-based implementing partners who, in turn, work with over 35 Venezuelan subpartners. The respected organization, Freedom House, ranks Venezuela as not free. According to Freedom House, conditions have grown sharply worse in recent years due to the continued concentration of power in executive and harsher crackdowns on the opposition.

As a result, USAID programs to support human rights defenders in civil society groups are critical. U.S. support

enables these groups to document abuses by the regime and to keep the hope of democracy alive in an increasingly authoritarian country.

Venezuela is one of the most dangerous places in Latin America and the Caribbean to be a human rights defender. The Maduro regime is currently being investigated for crimes against humanity by the U.N. Office of the High Commissioner for Human Rights. The Organization of American States has similarly denounced the regime's abuses. These men and women on the ground in Venezuela put their lives on the line to expose the regime's failings, and they need our support.

On the media front, the regime has arrested and abused journalists, both Venezuelan journalists and foreign journalists, operating in the country, including a prominent American journalist. Harassment from the government has led most independent radio, TV, and print outlets to close. Social media has, at times, been blocked, including during the recent uprisings against Maduro. USAID programs are critical to overcome government censorship and propaganda.

On the democracy front, Maduro was reelected in May of 2018 in a snap election that failed to meet minimum international standards and was widely condemned as illegitimate. The sooner that civil society and international actors can weigh in on how to improve the National Electoral Council and reform the electoral system more broadly, the sooner free and fair Presidential elections can be held.

This is the goal of the Guaido government. It is also the goal of the Lima Group which is composed of Latin American countries and Canada and which is seeking a just solution to the crisis in Venezuela. It is a goal that merits continued American support.

I am proud that my colleagues voted for this amendment. It is a vote for the people of Venezuela who have suffered so much under this terrible regime.

#### HONORING THE LIFE OF PATRICIA FINDER-STONE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Wisconsin (Mr. GALLAGHER) for 5 minutes.

Mr. GALLAGHER. Mr. Speaker, I rise today to honor the life of a remarkable woman and a remarkable Wisconsinite, Patricia Finder-Stone. She was simply incredible: a wife, a mother, a grandmother, an educator, a veteran, and a community activist. Her life serves as an example of what it really means to be passionately involved in a community and committed to giving back.

During the Korean war, she left her nursing job in Chicago to serve her country in the Air Force where she proudly served at the Northeast Air Command in Greenland, and upon leaving the military, she married her husband, Mark, and raised their four children in northeast Wisconsin.

Pat then returned to school and received her bachelor's degree from the University of Wisconsin Green Bay and her master's from UW-Madison, graduating both times with honors.

She practiced nursing throughout her life and spread her passion for nursing to others by teaching at schools around Wisconsin including Bellin College of Nursing and Northeast Wisconsin Technical College. She was well known and incredibly involved in the healthcare community and was a proud recipient of both the American Cancer Society's St. George National Award and the NWTC Teacher of the Year Award.

Beyond her nursing career, Pat was an active community volunteer, sharing her time and talents to serve on the boards of multiple health advocacy groups in northeast Wisconsin.

She worked with both Democrat and Republican leadership in Wisconsin on a number of health policy issues, including educating the public on the negative effects of tobacco and improving care for the aging population.

She served as the president of the League of Women Voters of Greater Green Bay and sat on the state board of the League of Women Voters.

Pat's extraordinary life of service to her family, community, and country reminds us all of the importance of community engagement and civic responsibility. Pat's passing will be mourned for many across northeast Wisconsin, and her impact on our community will not soon be forgotten. But my hope is her life stands as a reminder of how important it is to be involved and how lucky we all are to be Americans.

There are a lot of people when you are a Member of Congress who come into your office. Some are angry with you, some are happy with you, but some really find a way past the political moment and find a way to touch your heart, and Pat was one of those people. My prayers and condolences go out to her family and to all the lives she has touched.

#### RECOGNIZING GUN VIOLENCE AWARENESS MONTH

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. FOSTER) for 5 minutes.

Mr. FOSTER. Mr. Speaker, I rise today to recognize Gun Violence Awareness Month and call upon the Senate to protect the lives of innocent Americans by passing commonsense gun reform measures that have already passed the House.

This past February, in my district in Aurora, Illinois, five innocent people were killed and six police officers injured when a person who shouldn't legally have had a gun opened fire in a workplace, trying to kill as many people as he could. And earlier this month, we witnessed another horrific shooting in Virginia Beach where 12 more innocent lives were taken.

These tragedies have become too common in America. The victims are

our family members, our friends, and our neighbors.

The House has already passed legislation that would, in fact, cure a fraction of this epidemic of gun violence, but the Senate refuses to act.

Commonsense gun reform is supported by an overwhelming majority of Americans, and Congress has a responsibility to protect innocent lives. Every American deserves the right to live their lives free from the fear of violence and without worry that their next trip to work, to school, or their place of worship may be their last.

Thoughts and prayers are not enough. We cannot wait for the next tragedy. The Senate must act now.

#### FUNDING FOR WAR AND THE WAR POWERS ACT

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. SHERMAN) for 5 minutes.

Mr. SHERMAN. Mr. Speaker, we spent many hours in this Chamber talking about the amendments to the appropriations bill, this combination of several appropriations bills, that we will pass later this week.

What I would like to take a minute to talk about is an amendment I didn't offer because we got the material in the base text.

Our Constitution creates a tension between Article I and Article II when it comes to the power to wage war: the Commander in Chief on the one hand versus the authority of Congress to declare war on the other.

Thomas Jefferson determined that it was necessary to get the approval of Congress before he deployed Marines to the shores of Tripoli, our first non-declared war, our first intervention in the Middle East, and a precedent that should have been followed by subsequent Presidents.

But in fact, since the days of Jefferson, on many occasions, Presidents just sent our troops in without seeking authority from Congress. That is why in 1973, in the wake of the Vietnam war, this Congress passed the War Powers Act, also known as the War Powers Resolution. It provides that the President cannot deploy for more than 60 or 90 days without an authorization to use military force.

Now, that act of 1973 is not everything it should be because it did not encompass the idea of bombing without deploying troops for periods of 60 or 90 days. It is unclear, perhaps. It is in need of revision, perhaps, but it is the only legal restraint on a President committing us to war without any approval from this Congress.

But every Attorney General since the 1970s has advised Presidents that the War Powers Act isn't actually binding on them, that a President can send unlimited troops into battle for an unlimited period for any purpose. This is not what should be, and yet many constitutional scholars agree with these provisions, with this interpretation. That is

why the provision that we have in this appropriations bill is so important.

I want to commend the subcommittee and the full committee for including in the base text the provision that says no funds shall be used in contravention of the War Powers Act. This is a provision I originally proposed as an amendment on this floor in 2011. We lost the first time, but we ultimately prevailed, and now it is part of the base text. This adds the power of the purse to enforce the War Powers Act.

I am pleased to report that Attorney General Mukasey, a Republican Attorney General, a strong advocate for Presidential power, testified before the Foreign Affairs Committee that he believes and would advise the President that they need not follow the War Powers Act but that they dare not spend a penny in contravention of the War Powers Act if this provision is included in the relevant appropriations bill. So I commend the committee for including this and assuring that any reasonable Attorney General will tell any President they must adhere to that critical 1973 act.

#### CRYPTOCURRENCY

Mr. SHERMAN. Mr. Speaker, in the remaining few seconds, let me deal with another subject. Mark Zuckerberg has announced that he's going to introduce a cryptocurrency, or his plans to do so.

The effect would be to undermine our economy by reducing the importance of the U.S. dollar in international transactions and to undermine our national security by making it easier for drug dealers, terrorists, and sanctions evaders to do businesses without using the U.S. dollar.

I look forward to addressing this House further and to working in the Financial Services Committee. But it certainly concerns me that a man who has benefited like no other from the protection of the U.S. national security efforts and from the U.S. economy would undermine both in an effort to make even more billions.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 28 minutes a.m.), the House stood in recess.

□ 1200

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. ESPAILLAT) at noon.

#### PRAYER

Pastor Ryan Hodges, Rocky Face Baptist Church, Hiddenite, North Carolina, offered the following prayer:

Dear Heavenly Father, in Jesus' name, I want to thank You for today. Thank You for salvation.

The Bible says, in 1 Timothy 2:1-2: "I exhort therefore, that, first of all, supplications, prayers, intercessions, and giving of thanks be made for all men; for kings and for all that are in authority; that we may lead a quiet and peaceable life in all godliness and honesty."

Thank You for the Members of this House, the men and women of this Congress, and for their families. I pray for their work, their wisdom, and their walk.

I pray that You would forgive us our sins as individuals and as a nation. I am truly grateful that Jesus said: "... and him that cometh to me I will in no wise cast out."

Please help us to glorify You this day with our lives. Thank You for America. In Jesus' name, amen.

#### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

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

#### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Pennsylvania (Mr. THOMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. THOMPSON of Pennsylvania led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

#### MESSAGE FROM THE SENATE

A message from the Senate by Ms. Lasky, one of its clerks, announced that the Senate has agreed to without amendment a joint resolution of the House of the following title:

H.J. Res. 60. Joint Resolution requesting the Secretary of the Interior to authorize unique and one-time arrangements for displays on the National Mall and the Washington Monument during the period beginning on July 16, 2019 and ending on July 20, 2019.

#### WELCOMING PASTOR RYAN HODGES

The SPEAKER pro tempore. Without objection, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 1 minute.

There was no objection.

Ms. FOXX of North Carolina. Mr. Speaker, it is my honor to recognize today's guest chaplain, Pastor Ryan Hodges of Rocky Face Baptist Church in Hiddenite, North Carolina.

In 2005, Pastor Hodges earned his theology degree from Cherry Grove Baptist Bible College in Wilkesboro. He has since served in four churches in our State, wherever God has called him to use his gift of preaching and zeal for

souls. He is also a loving husband and father.

Mr. Speaker, the surest way to make a positive change in our country is to follow God's will for our lives, which is itself a lifetime's work.

North Carolina's Fifth District is blessed to have a faithful servant in Pastor Hodges, dedicated to helping others recognize God's love and plan for them. We are blessed to have his prayers and service today, as is everyone that God places in his life.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. TORRES SMALL of New Mexico). The Chair will entertain up to 15 further requests for 1-minute speeches on each side of the aisle.

#### CONGRATULATIONS TO POET ELIZABETH ACEVEDO

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute.)

Mr. ESPAILLAT. Madam Speaker, the Carnegie Medal, the prestigious award that annually recognizes authors focused on literature for children or young adults, has been widely coveted since its establishment in 1936.

Surprisingly, the medal has never been awarded to a woman of color in its 83-year existence—that is, until Dominican-American poet Elizabeth Acevedo's win for "The Poet X," a critically acclaimed piece of literature named after its main character, Xiomara Batista.

"The Poet X" artfully illustrates the journey of X, a shy Dominican girl of African descent who joins her school's poetry club in Harlem, a place I represent and know well.

Elizabeth's brave exploration of societal structures in "The Poet X" is remarkable. Her childhood upbringing and tribulations gave Elizabeth unique authority and intimacy of X's journey. The resulting poem will inspire young voices who follow her footsteps.

Congratulations to Elizabeth for her monumental accomplishment.

#### WUNDERBAR TOGETHER INITIATIVE WITH GERMANY

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Madam Speaker, I rise today to recognize and reaffirm the friendship between the United States and Germany.

I am proud to co-chair the German-American Caucus with Congressman BILL KEATING, and today we introduced a resolution to reaffirm the history of the United States and Germany under the Wunderbar Together initiative.

Our countries are linked by heritage, common values, and shared interests.

More than 50 million Americans of German origin live in the United States, many of whom still have strong ties to their heritage.

Madam Speaker, our resolution highlights the alliance between our nations and our shared commitment to free and democratic societies.

The Wunderbar Together initiative brings together more than 250 partners across all 50 States, with more than 1,500 events and projects in local communities covering every aspect of German-American relations, including science, the arts, culture, language, business, sports, and more.

Germany is an important trading partner of the United States, with the European Union and German companies creating more than 690,000 American jobs.

Madam Speaker, I urge my colleagues to support this resolution and reaffirm our deep and historical friendship with Germany.

#### HONORING DALLAS MAYOR MIKE RAWLINGS

(Mr. ALLRED asked and was given permission to address the House for 1 minute.)

Mr. ALLRED. Madam Speaker, I rise today to honor the outgoing mayor of Dallas, Mike Rawlings, for his 8 years of exceptional service to our great city.

Under the mayor's leadership, Dallas saw incredible economic growth. Unemployment has outperformed the State and national rate for 51 consecutive months.

There is no better advocate for Dallas, as the mayor traveled all over the world working to bring investment to our city and help every part of the city succeed. He helped to improve the quality of life by adding 215 of parklands and 40 miles of trails. He has worked to close the gaps in opportunity in our city.

Maya Angelou said: "You may not control all the events that happen to you, but you can decide not to be reduced by them." Mayor Rawlings showed incredible leadership in times of crisis, and there is no better example than the grace and leadership he showed in handling the July 7, 2016, attacks on Dallas police officers. He has been a unifying voice for our city.

As a son of Dallas, I want to thank Mayor Rawlings for his service.

#### REQUEST TO CONSIDER H.R. 962, BORN-ALIVE ABORTION SURVIVORS PROTECTION ACT

Mr. STAUBER. Madam Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of H.R. 962, the Born-Alive Survivors Protection Act, and ask for its immediate consideration in the House.

The SPEAKER pro tempore. Under guidelines consistently issued by successive Speakers, as recorded in section 956 of the House Rules and Man-

ual, the Chair is constrained not to entertain the request unless it has been cleared by the bipartisan floor and committee leaderships.

Mr. STAUBER. Madam Speaker, if this unanimous consent cannot be entertained, I urge the Speaker and the majority leader to—

The SPEAKER pro tempore. The gentleman has not been recognized for debate.

#### PROVIDING FOR CONSIDERATION OF H.R. 3055, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020; RELATING TO CONSIDERATION OF H.R. 2740, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 28, 2019, THROUGH JULY 8, 2019

Mr. MCGOVERN. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 445 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 445

*Resolved*, That at any time after adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. An amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-18, modified by the amendment printed in part A of the report of the Committee on Rules accompanying this resolution, shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amended, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered as read. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived. Clause 2(e) of rule XXI shall not apply during consideration of the bill.

SEC. 2. (a) No further amendment to the bill, as amended, shall be in order except those printed in part B of the report of the Committee on Rules accompanying this resolution considered pursuant to subsection (b), amendments en bloc described in section 3 of this resolution, and pro forma amendments described in section 4 of this resolution.

(b) Each further amendment printed in part B of the report of the Committee on Rules not earlier considered as part of amendments en bloc pursuant to section 3 of this resolution shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, may be withdrawn by the proponent at any time before action thereon, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

(c) All points of order against further amendments printed in part B of the report of the Committee on Rules or against amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chair of the Committee on Appropriations or her designee to offer amendments en bloc consisting of further amendments printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except as provided by section 4 of this resolution, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole.

SEC. 4. During consideration of the bill for amendment, the chair and ranking minority member of the Committee on Appropriations or their respective designees may offer up to 15 pro forma amendments each at any point for the purpose of debate.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such further amendments as may have been adopted. In the case of sundry further amendments reported from the Committee, the question of their adoption shall be put to the House en gros and without division of the question. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 6. During consideration of H.R. 3055 in the Committee of the Whole pursuant to this resolution, it shall not be in order to consider an amendment proposing both a decrease in an appropriation designated pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 and an increase in an appropriation not so designated, or vice versa.

SEC. 7. During the further consideration of H.R. 2740—

(a) the amendment printed in part C of the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole; and

(b) the question of the adoption of further sundry amendments reported from the Committee of the Whole shall be put to the House en gros and without division of the question.

SEC. 8. During consideration of H.R. 3055 or during the further consideration of H.R. 2740, the Chair may entertain a motion that the Committee rise only if offered by the chair of the Committee on Appropriations or her designee. The Chair may not entertain a motion to strike out the enacting words of the bill (as described in clause 9 of rule XVIII).

SEC. 9. On any legislative day during the period from June 28, 2019, through July 8, 2019—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time,

within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 10. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 9 of this resolution as though under clause 8(a) of rule I.

SEC. 11. Each day during the period addressed by section 9 of this resolution shall not constitute a legislative day for purposes of clause 7 of rule XV.

SEC. 12. It shall be in order without intervention of any point of order to consider concurrent resolutions providing for adjournment during the month of July, 2019.

SEC. 13. It shall be in order at any time on the legislative day of June 27, 2019, for the Speaker to entertain motions that the House suspend the rules as though under clause 1 of rule XV. The Speaker or her designee shall consult with the Minority Leader or his designee on the designation of any matter for consideration pursuant to this section.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized for 1 hour.

Mr. MCGOVERN. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the distinguished gentleman from Georgia (Mr. WOODALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

□ 1215

#### GENERAL LEAVE

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days to revise and extend their remarks.

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

There was no objection.

Mr. MCGOVERN. Madam Speaker, I will be asking unanimous consent to make a technical correction to the rule. The page containing the text of an uncontroversial amendment, No. 64, to division B was inadvertently omitted from our 645-page report.

#### MODIFICATION OFFERED BY MR. MCGOVERN

Mr. MCGOVERN. Madam Speaker, I ask unanimous consent that the amendment I have placed at the desk be considered as though printed as amendment No. 123 in part B of House Report 116-119, if offered by Representative LEE from Nevada or her designee, and that the amendment be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The Speaker pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment Offered by Mrs. LEE of Nevada:

Page 109, line 7, after the first dollar amount, insert “(reduced by \$500,000)”.

Page 109, line 13, after the dollar amount, insert “(reduced by \$500,000)”.

Page 109, line 15, after the dollar amount, insert “(reduced by \$500,000)”.

Page 159, line 19, after the dollar amount, insert “(increased by \$500,000)”.

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

Mr. WOODALL. Madam Speaker, reserving the right to object, my friend on the Rules Committee has made a commitment this year, which he has been following through on, to try to bring order to an otherwise fairly chaotic process up there.

This is clearly just a clerical error, and it is one that we all worked through together last night, so I have no objection to the gentleman's amendment request.

The SPEAKER pro tempore. The reservation of objection is withdrawn.

Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts is recognized.

Mr. MCGOVERN. Madam Speaker, I thank the gentleman from Georgia for his kindness.

Madam Speaker, on Tuesday, the Rules Committee met and reported a rule, House Resolution 445. It provides for consideration of H.R. 3055 under a structured rule that makes 290 amendments in order. It also provides for 1 hour of general debate controlled by the chair and ranking minority member of the Committee on Appropriations.

Madam Speaker, this appropriations process represents a clean break from the way the Republicans ran this place. They furthered an agenda that was like Robin Hood in reverse, giving to the rich by stealing from the poor.

This Democratic majority has a radical idea that the people's House should, instead, work for the people, not the wealthy and the well-connected, but all Americans. You can see these values in the underlying appropriations measure.

We support SNAP, our Nation's premier anti-hunger program, by providing both stable funding and investments in the SNAP reserve fund. This will give a helping hand to many of the 40 million Americans who are struggling to put food on the table in America today.

That includes a lot of working families. It includes veterans. It includes seniors. It includes those who are disabled. Because the truth is, there is no plan B for many people who have fallen on hard times. Food pantries are important, but many are already stretched too thin and can't meet the demand.

We need to invest in SNAP. This program is a lifeline as families work to get back on their feet.

For the life of me, Madam Speaker, I don't understand why investing in SNAP has been a controversial subject for many of my colleagues on the other side, why some have demonized the poor and traded in stereotypes year after year.

On average, and I think it is important to make this clear for my colleagues, SNAP households receive about \$259 a month. The average SNAP benefit per person is about \$128 per

month, which works out to just \$1.40 per person per meal.

Madam Speaker, \$1.40 can hardly buy a cup of coffee for someone, let alone a healthy, nutritious meal. That is what we are asking people to live on, and it is a shame. I hope, in the future, we can find a way to expand the SNAP benefit for those who are in need.

This bill also provides major funding to help stem the tide of opioid abuse, which is ravaging communities across the country, through grant programs that we know work, things like prescription drug monitoring, overdose-reversal drugs, and at-risk youth programs.

We are not waiting around for this administration's long-delayed transportation plan. The President has been rolling it out 2 weeks from now for the last 2 years. We have an infrastructure emergency in our country today. I have bridges in my district that are old enough to qualify for Medicare. Others are older than some of the other States in this country. It is the same old story all across the country.

That is why the American Society of Civil Engineers has given our Nation's infrastructure a D-plus. This is appalling, Madam Speaker. We owe a lot to those who built our roads and bridges a century ago, but we cannot expect them to last forever. H.R. 3055 would provide real funding now to rebuild crumbling infrastructure.

There are also badly needed investments here in our Nation's digital infrastructure because the sad reality is that in America today, 25 million people in rural communities don't have access to high-speed internet. Some are in my State.

Massachusetts has made significant strides in bringing high-speed internet to the rural parts of western and central Massachusetts, but there are still pockets where connectivity is still a problem.

This bill would fund an expansion of rural broadband services that would allow more kids to do homework at home, expand economic opportunities, and improve health outcomes. Affordable broadband should be available to everyone, regardless of their ZIP Codes.

This bill also helps combat the gun violence epidemic by increasing resources for programs that help reduce crime. This includes things like fully funding the FBI's National Instant Criminal Background Check System, making schools safer, and investing in mentoring programs for at-risk youth.

This follows language in last week's minibus appropriations bill that provided funding to research deaths and injuries caused by gun violence for the first time in more than 20 years because this majority isn't afraid to stand up to the NRA to protect the people we represent. We know the will of the American people is stronger than the might of the gun lobby.

There is also language in this bill that prohibits President Trump from



diverting important military construction projects to build his unnecessary border wall. This is a wall, by the way, that the President claimed time and time again that Mexico would pay for. Now he is using a bait-and-switch to force taxpayers to foot the bill.

This wall was preposterous when it was just a campaign talking point. It is even more absurd as an actual policy paid for by the taxpayers of this country.

These are just a few of our priorities in the bill. We are delivering on our promise to invest in the things that matter to people.

Chairwoman LOWEY, Ranking Member GRANGER, the entire Appropriations Committee, and their staffs have done an extraordinary job. Their work deserves a great deal of praise by both the Democrats and Republicans. They are trying to fund our government in a timely way.

I don't know what the Senate is going to do on appropriations. They haven't done much of anything on anything so far.

But I do know this: These bills are an investment in our future. They are tailored toward providing opportunity for all Americans and delivering on our pledge to make this place work for them again.

Fixing our infrastructure, reducing gun violence, providing economic opportunity for small businesses, ending hunger, these are the kinds of things our constituents want us to address.

I urge all of my colleagues to show the American people that we are listening by voting for this rule. Let's keep bringing forward appropriations measures that truly represent the will of the taxpayer.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I thank my friend from Massachusetts for yielding me the customary 30 minutes. We just came out of a long night in the Rules Committee. I say "we" from the Member side. We were out of there by midnight. I have not yet asked the Rules Committee staff when they got out of there last night because I really didn't want to know the answer to that.

When we meet in the Rules Committee on appropriations bills, we are in for long nights. My first year in Congress, Madam Speaker—the gentleman may have been following it at the time—it was when the big Republican majority came in as the new Democratic majority has come in now. The appropriations season hadn't been finished, so the first order of business when we came in as a new majority was to take on the appropriations challenge.

It seemed crazy at the time—this is a minibus, a group of four bills together—what we decided to do was to take the entire discretionary account of the entire United States of America,

bring it down here to the House floor, and consider it under an open rule.

I brought a copy of that rule down with me, Madam Speaker. It was House Resolution 92. We heard the Reading Clerk read this morning. It took Joseph a while to get through that.

We are only considering a small fraction of the budget today. Back then, we were considering the entire Federal budget, and it was right here in three pages. The truth is, the part that dealt with the appropriations bill is only one of these sections. The other two were housekeeping business.

We allowed the entire body to bring their ideas to the table to see what might stick. I say it was a radical idea because I had just gotten to Congress. I went back and looked at the numbers, historically. It turned out, it didn't use to be a radical idea. We have made it a radical idea to let all the amendments come to the floor.

Again, my friend from Massachusetts has a very hard job as chairman of the Rules Committee. I introduced an amendment last night, Madam Speaker, barely before the committee ended, after I had had a chance to question the cardinals who were responsible for that language, and my friend from Massachusetts made it in order. He is doing everything he can to try to make the process more open than it has been in the most recent past.

□ 1230

But if we go back a little bit further, if we think about how to change the culture in this institution, it hasn't always been this divided.

Do you remember the first year that Speaker PELOSI sat in the chair that you are sitting in right now, Madam Speaker? She was the first, as you recall, Democratic Speaker since 1994 and the first woman to ever lead this institution. When she sat in that chair for the very first time, we had an open appropriations process. There were about 110 Democratic amendments that were offered and about 300 Republican amendments because, when you are in the minority, it is harder to get your agenda in the underlying bill.

When you run the show, as Mr. MCGOVERN does, you are able to get all your good ideas in the bill. I have no doubt that every one of Mr. MCGOVERN's good ideas is contained in the underlying bill. That is the privilege of leadership. When you sit on the outside, as I do and as Mr. STAUBER does, it is harder to get your ideas in.

So, historically, as Speaker PELOSI did in 2007, more amendments are made in order for the minority party than are made in order for the majority party because the minority party hasn't gotten a chance to influence the process.

I am proud, over the 8 years that I was a part of the majority party here and had the privilege of sitting on the Rules Committee, more than half of the amendments, on average, across all the bills, were given to the minority

party. But in this bill, Madam Speaker, again, despite the chairman's best efforts, the minority party received less than one-quarter of the amendments that are available.

What I am saying is, when Republicans were doing this from their leadership spot and we were giving more amendments to the other side, now the majority party is giving not 100 percent more amendments to their side, not 200 percent more but, more than 200 percent more.

By my statistics, since last time around, we have moved in the right direction. It used to be 300 percent more amendments given to the majority party.

Madam Speaker, I don't say that to grouse about sour grapes. Again, I say it with sincerity when I tell you that what Chairman MCGOVERN is doing on the Rules Committee he is doing out of a real love of this institution, trying to reopen the process, but we have got to find a way to trust ourselves.

Most of what you heard the Reading Clerk read had nothing to do with the amendments of the bill we are talking about. It had to do with closing down the process, in many ways for the very first time in my congressional career, because the minority party, Republicans, are frustrated that we haven't been able to fund humanitarian needs on the border.

Now, I know talking about the border is a dog whistle to many folks in this institution. They think, as you heard the gentleman from Massachusetts mention, that it is about the wall and it is about immigration and it is about all sorts of things that it is not.

What we are talking about are children who are in the custody of the United States of America. Rightly or wrongly, like it or not, that is where we are today. And we can either fund the needs of those children, we can either fund the healthcare of those children, we can either fund the education of those children, or we cannot.

What we have heard from this administration is the same thing we have heard from the Obama administration when we had this very same crisis in 2014, and that is that we don't have enough resources to provide for the flood of folks who have been taken into U.S. custody.

The White House made this request 6 weeks ago, knowing that we were going to run out of money this month, and the House has taken no action on that request.

When we had the very same Rules Committee hearing last week, Madam Speaker, that we had this week, my friend, the chairman, talked about his sincere desire to move this kind of legislation, but it hasn't moved.

My friend from California who sits on the majority side of the Rules Committee and serves on the Appropriations Committee talked about the meeting they had in the Appropriations Committee that day to move this in an expedited way, and yet it has not yet moved.

The reason the rule considers these measures to close down the parliamentary process here is because folks are rightfully frustrated with the flow of the floor. We have serious work that we need to do, and when you are in procedural nonsense, you don't get any of that work done. But that procedural nonsense comes from a very sincere frustration that we have very real needs that are shared needs, very real passions that are shared passions, and that the consequences of failure affect us all. It affects who we are in our individual districts; it affects who we are as a nation; and for the life of me, I cannot understand why it is that this issue is receiving the neglect that it is from the leadership party.

We are going to talk about that in our previous question amendment. If we defeat the previous question, we will bring up an amendment to add to the rule language that will allow us to have this important debate and provide these important funds. I will reserve the time to talk about that, Madam Speaker.

But I do want to say we had ample opportunity in the Rules Committee to make the process wide open, and that decision, candidly, is above the chairman's pay grade, and the process was not allowed to be an open process.

So then we also had ample opportunity to close the process down completely. That is completely within the chairman's pay grade. He rejected that idea and made the effort to take some very important steps forward to returning us to regular order, and for that I am grateful.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I enjoy listening to the gentleman engage in debate, but I will say this, that when I look at this rule and all the amendments in order, I think I want to waive this rule because there are so many amendments that we are making in order here.

The gentleman, I appreciate his praise saying that we made a lot of good ideas in order, but I would say to the gentleman that he also made some bad ideas in order. The gentleman referred to his amendment, which I disagree with. But we also made amendments from other Republicans; I am looking at the rule here: Mr. BURGESS, Mr. RUTHERFORD, Mr. SCALISE, Mr. KING, Mr. POSEY, Mr. WALBERG, Mr. GOSAR, Mr. MCKINLEY, Mr. HUDSON, and Mrs. WALORSKI. I could go right through this and continue to read the Republican amendments that we made in order.

In the Rules Committee last night during the markup, my friends offered a number of amendments. Of the amendments they offered, nearly half of them violated House rules or were duplicative.

When people draft amendments in a way that legislate on appropriations

bills or violate any of the House rules, it has been customary for Democrats and Republicans to not make them in order. We try to work with them to fix them, but last night, many of the amendments, including a Democratic amendment that the minority offered we could not vote for because it was not complying with the House rules.

I am sorry that that is the case, but people need to know that, when you are amending appropriations bills, you need to draft them in a way that is compliant with the House rules.

A lot of the amendments that were offered by my friends were the oldies but goodies. We have wall amendments, abortion amendments, and stuff that we have voted on time and time and time again; and I appreciate they want more time to vote on it, but we need to get our work done here.

As the gentleman referred to, there is a Member on the other side who has decided to have a little bit of a temper tantrum and call for a vote on every single amendment and try to invoke every single procedural measure so that everything is dragged out and moves at a snail's pace. That is his right. I don't think it is a particularly effective tactic, but if it makes him happy, he can do whatever he wants. He has that right to do that on the House floor.

I was in the minority in the last session, and I lived through the most closed Congress in the history of our country when the Republicans brought more bills to the floor that were completely closed and that were unamendable. Nobody could offer an idea. They did that more than any other Congress in history. So we are trying to do this better. I think we are, in many respects, doing it better, and we are going to continue in that spirit.

Madam Speaker, I yield 2 minutes to the gentlewoman from Maine (Ms. PINGREE), who is a distinguished member of the Appropriations Committee.

Ms. PINGREE. Madam Speaker, I thank the chair of the Rules Committee for yielding me the time, and I thank his fellow committee members for the hard work that they do and their staff putting in so many long hours around this appropriations process.

Madam Speaker, I rise in support of the rule for H.R. 3055. I would like to focus my remarks on the fiscal year 2020 Agriculture, Rural Development, Food and Drug Administration, and Related Agencies appropriations bill.

This bill includes robust funding for the U.S. Department of Agriculture and the U.S. Food and Drug Administration, two Federal agencies that touch the life of every single American.

I am proud to serve on the subcommittee that oversees this bill, and I am grateful to Chairman BISHOP and Ranking Member FORTENBERRY for working together to come up with a bipartisan bill that supports the diversity of American agriculture.

As an example of the growing diversity of growing techniques that are used by American farmers, in Maine, organic food sales increased 39 percent between 2012 and 2017. Producing food free of toxic chemicals is better for the health of consumers, for the farmers, and for our environment.

This bill supports growing markets, including organic and locally grown food, by increasing the funding for the National Organic Program to \$18 million and providing \$23.4 million for the Local Agriculture Market Program.

The bill also boosts USDA efforts to reduce food waste by including \$1 million for a new composting and food reduction pilot program, as well as \$400,000 to establish the first Food Loss and Waste Reduction Liaison at the USDA. This is important because 30 to 40 percent of the food in this country is wasted. If food waste were a country, it would be number three in admitting global greenhouse gases.

Additionally, the bill acknowledges that farmers are an integral part of playing a positive role in climate change solutions. There is report language urging the USDA to look at carbon markets for agriculture, supporting the USDA's Regional Climate Hubs, and encouraging the USDA to look at other opportunities to support farmers dealing with the effects of climate change.

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

Mr. MCGOVERN. Madam Speaker, I yield the gentlewoman from Maine an additional 1 minute.

Ms. PINGREE. Lastly, Madam Speaker, the bill includes language preventing the USDA from relocating the National Institute of Food and Agriculture and the Economic Research Service.

I am deeply disappointed that the administration is moving forward with this ill-conceived plan, and I will continue fighting on this on behalf of NIFA and ERS employees.

Madam Speaker, I urge my colleagues to support the rule for H.R. 3055.

Mr. WOODALL. Madam Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. STAUBER), who is one of our young leaders.

Mr. STAUBER. Madam Speaker, I thank Mr. WOODALL for yielding to me today.

Madam Speaker, I offered four amendments to improve this bill and benefit northeastern Minnesota, but, like last week, all four were rejected. They were not rejected on the merits, of course, but they were rejected in the Rules Committee before even being debated on the floor.

Two of my amendments would have removed onerous studies put in place by seasoned politicians from the Twin Cities and Washington, D.C. These studies in the committee report language are simply designed to delay important job-creating mining projects in my district.



Unfortunately, these politicians play politics with the consequence of killing jobs because, to them, our livelihood and these mining projects are nothing more than some faraway idea in a faraway land. Their well-funded interest groups oppose these jobs, so they attempt to move the goalposts, lay down more red tape, require more studies, and make it impossible—or at least attempt to make it impossible—to permit.

I say this: we can do both. We can mine and keep our environment pristine and clean.

However, to my constituents, these projects are a reality. These good-paying jobs will put food on the table, and they will put gas in our car and clothes on the backs of our children. These jobs will allow us to work, recreate, play, and raise a family in northern Minnesota.

These projects not only mean good-paying, union-protected mining jobs in cutting-edge industry, these projects can mean a larger property tax base, increased enrollment in our schools, and a population growth in our communities.

These mining projects are a big part of our economic engine, yet Washington, D.C., and Twin City politicians can sneak language into a committee report to undermine a fair process, while arbitrarily rejecting my amendments.

Another amendment I introduced would have ensured no funding is available to list the gray wolf under the Endangered Species Act. As I testified last night at the Rules Committee, the gray wolf has recovered. Even the Obama administration attempted to remove it from the Endangered Species Act in 2013.

In northern Minnesota, wolf attacks on cattle and domestic pets are becoming far too common, burdening our farmers who already are struggling. One small northern Minnesota county alone accounted for 21 confirmed wolf attacks on cattle, and local officials expect the number to be much higher, as many cattle that simply go missing are likely wolf attacks.

□ 1245

Because the gray wolf is listed as Federally endangered, the Minnesota Department of Natural Resources is unable to control them. Our local experts, who truly understand the problem, have their hands tied because politicians in this town, Washington, D.C., think they know best. But they do not.

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

Mr. WOODALL. Madam Speaker, I yield the gentleman an additional 1 minute.

Mr. STAUBER. I thought my final amendment was a no-brainer, Madam Speaker. It would have increased the Forest Products Timber Sale program by a little more than \$6 million. Because it is in the National Forest Sys-

tem, it would have no negative budgetary effect.

The Forest Products Timber Sale program provides needed resources for Forest Service personnel. It allows them to research, recycle forest products, and find new ways to market them.

Meanwhile, an increase to this program means getting our loggers out in the woods and creating jobs for our communities. This would have directly benefited both Superior and Chippewa National Forests. It would have allowed our loggers and our Forest Service personnel to handle local environmental challenges like ensuring fallen trees do not contribute to forest fires.

My amendments would have directly benefited the small, rural communities in northern Minnesota. Unfortunately, powerful politicians used the system to their advantage by rejecting my amendments and preventing even an open debate on the issues.

Mr. MCGOVERN. Madam Speaker, let me just address the issue of the Endangered Species Act that the gentleman referred to. It is not a “Washington knows best” and is certainly not a “politicians know best” approach. It is based on science, on available science, not on a special interest that is trying to get a different outcome.

If you don’t believe in the direction of the act, if you don’t believe that it should be adhered to, then the remedy is to introduce an alternative law. I would certainly vote against it, but the gentleman has a right to do that.

The Endangered Species Act already ensures there is public notice and public participation. There is an opportunity to comment on listing and delisting decisions.

It is our view that Congress should not interfere in the process outlined by the Endangered Species Act because it then becomes about politics—not science, but politics—and it should be science that determines the survival of a species.

I know science is a tough subject for my friends on the other side to deal with, because so many of them don’t even believe that we have a climate crisis. But, in any event, I just wanted to respond.

Madam Speaker, I yield 3 minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Madam Speaker, I want to thank my good friend from Massachusetts (Mr. MCGOVERN), the distinguished chairman of the committee, who has done, I think, an extraordinary job.

I was listening to my friend from Georgia, and—I don’t know—maybe he forgot what it was like the previous 8 years. In the last Congress in which my friend from Georgia sat on the Rules Committee, we had the most closed-rule bills coming to the floor in the history of the Congress.

Mr. MCGOVERN has aptly pointed out how many amendments are in this bill. One of the reasons we are here night

after night voting on dozens and dozens of amendments is because the Rules Committee got opened up under Mr. MCGOVERN’s leadership and his able staff.

I congratulate them, and I salute them for opening up the process that my friends on the other side closed down.

Madam Speaker, I also wanted to rise in support of this rule and the underlying bill, which would make critical domestic investments in law enforcement, infrastructure, and our Nation’s veterans.

I particularly want to commend the Appropriations Committee Chairwoman LOWEY and Chairman PRICE for including in this bill a \$150 million matching program in capital investment for the Washington Metropolitan Area Transit Authority, the Nation’s capital.

This funding is part of a successful Federal-State partnership and has been used for major investments to upgrade Metro. The three Metro jurisdictions—Virginia, Maryland, and Washington, D.C.—collectively match this \$150 million annual payment with an equal amount of \$150 million, for a total of \$350 million a year over a 10-year period.

Without that continued Federal participation, this funding partnership would, in fact, cease, leaving a massive shortfall in WMATA’s capital budget.

I look forward to working with the chairwoman of Transportation and Infrastructure, ELEANOR HOLMES NORTON, of Washington, D.C., and my colleagues to advance a long-term and enhanced reauthorization of dedicated funding for WMATA.

I have introduced a bill, the METRO Accountability and Investment Act, would do just that and has the full support of every single member of the National Capital Delegation: Maryland, Virginia, and Washington, D.C.

This bill uses a carrot-and-stick approach to both invest in the essential transit system as well as to hold the system accountable in providing a more safe, more reliable service. I believe, with those incentives, we can make Metro great again.

Madam Speaker, I urge a “yes” on this rule and support the underlying bill as well. And I salute my colleagues for understanding how investments have positive returns on them.

Mr. WOODALL. Madam Speaker, I yield myself 1 minute.

I find my friend from Virginia is almost always right about everything, so the fact that he is so wrong on this makes it worthy of commenting.

We are not here night after night voting because the Rules Committee opened up the process. We are here night after night voting because what we would ordinarily have done by voice vote, through the comity that this institution, sadly, is losing some of every day, we are demanding recorded votes, because we can’t get a vote on funding the humanitarian crisis that is at the

border, a crisis that my friend from Virginia cares about, my friend from Massachusetts cares about, my friends from Tennessee and Iowa care about. You go right across this institution. It does not matter your ideological position; you care about this issue.

We are voting night after night to draw attention to the fact that we cannot get our voices heard, not because our voices are heard in volumes never before seen.

In fact, an interesting sidebar, Madam Speaker: If you go back to the days of open rules, you will actually find the committee made more amendments in order on almost every division than we would have ordinarily had if we just had an open rule. When we clamp down on the process, that steam drives the amendments up. These conversations should be had in committee, not on the floor of the House.

Madam Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. KUSTOFF), my neighbor to the north, a leader on these issues.

Mr. KUSTOFF of Tennessee. Madam Speaker, I rise today to express my profound frustration with the majority on the Rules Committee. I am disappointed that the majority has chosen to cut members out of the process.

I worked with colleagues across the aisle to introduce a bipartisan amendment to address the epidemic of Asian carp infestation in the Mississippi River and its tributaries. This invasive species has invaded the Tennessee and Cumberland River basins and continues to threaten our rural economies and native fisheries that thrive off of the recreational and sporting industries.

Without a doubt, it is a major problem in my home State of Tennessee, as well as Kentucky, Alabama, and Mississippi. If these States continue to get cut out of the process, the problem will only get worse.

I want to thank Members from both sides of the aisle who fought hard for this amendment, only to have it thrown out at the last minute. We deserve the opportunity to have the concerns of our constituents heard and addressed, but unfortunately, the process is broken.

I thank the gentleman for yielding time.

Mr. MCGOVERN. Madam Speaker, I would point out to the gentleman that this legislation contains the largest increase to combat Asian carp in years.

Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. MORELLE), a distinguished member of the Rules Committee.

Mr. MORELLE. Madam Speaker, I thank the distinguished gentleman with whom I have the privilege of serving on the Rules Committee for his distinguished leadership of that committee and for yielding me the time.

Madam Speaker, I rise today to applaud the work of the Appropriations Committee in finally upholding our obligation to invest in gun violence prevention.

The legislation before us this week would increase funding for the Bureau of Alcohol, Tobacco, Firearms, and Explosives by over 9 percent. That additional funding will enable ATF to train more agents and hire more inspectors to fulfill the agency's mission of keeping illegal firearms out of criminal hands.

More than 30 percent of guns identified in a crime have been stolen, yet ATF has long been denied the resources to properly inspect Federally licensed firearms dealers and respond to the flow of illegal guns onto our streets.

This funding and the additional personnel it can provide will help ATF reach its inspection goals and enforce our existing gun laws, making communities across the Nation safer.

Madam Speaker, I thank the committee for their hard work, and I urge my colleagues to support both the rule and the underlying bill.

Mr. WOODALL. Madam Speaker, I yield myself 15 seconds to say to my friend from New York that he is one of the bright spots on the Rules Committee. We are doing a lot of things differently this cycle than we have done them in years past, and he has been a real partner and a leader on that, Madam Speaker.

If you ever think that it is nothing but partisan nonsense—which you could imagine in a 9-to-4 committee, that that kind of thing could break out—I encourage you to come see Mr. MCGOVERN and Mr. MORELLE in action. You might be surprised with what you find.

Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. KING), a good friend and a leader.

Mr. KING of Iowa. Madam Speaker, I thank the gentleman from Georgia for yielding to me, and I rise to address an issue that is within the underlying bill and express my gratitude and support for the efforts on the part of the subcommittee chair, Congresswoman BETTY MCCOLLUM, in particular.

We have a situation in Sioux City, Iowa, and in that Siouland area, much of that Native American population there are the Winnebago. Of course, they have their problems, Madam Speaker.

One of those problems is drug and alcohol abuse and addiction. And some of the resources that have traditionally been delivered through the Indian Health Services have been suspended over the last years. And, without the note, I am going to say it is 7 or 8 years—something like that—given the meetings that I have been to.

We asked that language be included in the report language in the underlying bill that is directed by this rule. Of course, that report language includes \$81 million altogether for the Urban Indian Health Program, \$29,685,000 above the enacted level. So there is an improvement in that. Then there is money there also, \$1,429,000, for current services, et cetera.

But the foundational language that I appreciate being in here so much is:

“The committee recognizes nonprofit organizations such as the Siouland Human Investment Partnership that help American Indians in urban areas outside of the Urban Indian Health Program and encourages the service to offer technical assistance to such organizations whenever possible and within service authority.” I very much appreciate that language.

There is additional language that sets aside and says that: “The Interior appropriations bill includes \$2 million available for 11 grants or contracts with public or private institutions services to provide alcohol or drug treatment services to Indians, including alcohol detoxification services.”

We are in the process of building what we are calling Hope Street, which is going to be a location that allows them to go directly to that facility for that kind of help.

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

Mr. WOODALL. Madam Speaker, I yield the gentleman an additional 30 seconds.

Mr. KING of Iowa. Madam Speaker, I wanted to conclude with this: The lead on this effort has been Mr. Frank LaMere. He had been a statesman for the Winnebagoes for years and also for Native Americans in a broader sense, especially in the upper Midwest.

He tragically passed away 2 days ago. His funeral is today. He worked on these projects for a lifetime.

It is very fitting that we take action on one of his initiatives here in this Congress today. And I am hopeful that we will be able to take up H.R. 184, which also transfers the land back to the Winnebagoes that they should so rightfully have.

Mr. MCGOVERN. Madam Speaker, let me just say to the gentleman from Iowa that we made in order last night one of his amendments related to the census question. And I strongly disagree with him on that. I hope we can defeat the amendment with a strong bipartisan vote.

But, nonetheless, we made his amendment in order, and I look forward to the debate on the floor and, again, look forward to voting “no” on it.

Madam Speaker, I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. STIVERS), a classmate of mine and a perennial leader in this institution.

□ 1300

Mr. STIVERS. Madam Speaker, I rise today to express my disappointment that the Rules Committee did not make in order a bipartisan amendment from the gentleman from Texas (Mr. GONZALEZ) and I that would have added 100 immigration judge teams to address the backlog at the Executive Office of Immigration Review.

With the record number of individuals and families seeking asylum,

there is a backlog of approximately 730,000 people who are waiting on hearings. They are waiting, on average, almost 2 years.

Justice delayed is justice denied. It costs all of us, and it has many social prices, including things like separation of families and children and people held in detention centers. We need to do more.

I commend the Appropriations Committee for adding some additional funding in the base text, but these 100 judges would have made a big difference. There are only 450 judge teams, as we sit here today.

As we think about immigration, it is a very thorny issue. It becomes shirts and skins pretty quickly. There are very few things, Madam Speaker, that we agree on. One of them that Republicans and Democrats agree on is providing more judge teams so that we can process these claims faster.

I hope to work with the gentleman from Texas (Mr. GONZALEZ). I know he is committed to it, and I am committed to it, as are the leaders of the Rules and Appropriations Committees, as we move through the process to enacting something that funds our government for this year.

I hope that when we get to the final resolution, we will have more judge teams than are in the base text of this bill. I pledge to work with folks.

This is a very important issue. It is one of the few issues that Republicans and Democrats agree on. It is one of the few issues that will make a big difference.

I thank the gentleman from Massachusetts and the entire Rules Committee for making in order another amendment that will speed the hiring process for these judge teams that Mr. GONZALEZ and I also offered. That is a start, but we need more resources.

In closing, I commit to working with Republicans and Democrats to get a solution that funds more judges to clear this backlog.

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

I thank the gentleman from Ohio for the constructive way that he has brought his concerns to the floor. I am very sympathetic to what he is trying to do. The Appropriations Committee believes that the funding level in the bill will support hiring the maximum number of immigration judges who can be brought on board in a single year. Nonetheless, we are going to have to invest significantly more because there is a backlog.

I think the problem with his amendment, and we talked about this last night, was the offset. He wanted, basically, to take \$71 million from the general legal activities, which funds Justice Department divisions such as the Civil Rights Division; the Civil Division, which includes funding for cases involving consumer and elder fraud; the Criminal Division, which includes mutual legal assistance reform; and

the Environment and Natural Resources Division. These litigation components do a great deal of important work.

I think the conversation should continue, and we should, hopefully, be able to build consensus around an offset that doesn't rob Peter to pay Paul.

I appreciate the gentleman from Ohio very much.

Madam Speaker, I reserve the balance of my time.

Mr. WOODALL. Madam Speaker, I yield myself 30 seconds to remind folks that we can defeat the previous question today and get on with the business of providing for the families and children along the border.

This is something that everyone in this institution cares about. For whatever reason, we can't move legislation forward. Everybody is talking about it. Nobody is doing anything about it.

There is no Member of this institution who is more frustrated with that than the gentleman from Texas (Mr. ROY). If we defeat the previous question, we will bring up H.R. 3056, the bill to fund that crisis management at the border.

Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. ROY) to discuss that underlying bill.

Mr. ROY. Madam Speaker, I thank the gentleman for yielding, and I appreciate his working with me on this important issue.

I do want to say that I appreciate the floor staff and staff in the Parliamentarian's Office over the last few days. Obviously, we have had some interesting activities on the floor of the House that I think are important because I think it is important to vote and that this issue is important.

I do want to thank the staff for all of their hard work in support of what goes on on the floor. As a former staffer, I know the amount of time that goes into that.

Madam Speaker, I do believe that we should defeat the previous question. I do believe that we should move immediately to consideration of H.R. 3056, which my good friend from Alabama has put forward, as an important reflection of what the President and his Office of Management and Budget have asked for to deal with the humanitarian crisis at our border.

We have gone over quite a bit of what has been going on on our border. Lost in all of that are the people, the humanitarian reality of what is happening at the border, the children, moms, families; the lack of places to put people; a Border Patrol that is overwhelmed, literally overwhelmed trying to do its job to secure the border of the United States.

They literally don't know where to put people. They have them and they are going, "What do I do with them?"

They have to follow the law. They have to try to do screenings. They have to try to do health screenings. They have to try to perform the basic functions of their duty. Yet, they don't

have the resources necessary to do it because this body, for whatever reason, refuses to do that.

I know there are ongoing negotiations. There are ongoing conversations in the Senate and the House about trying to reach some agreement. But let's be honest: This has taken far too long since the President's initial request, leaving Border Patrol, ICE, and those who are dealing with this crisis at the border without the knowledge of whether they are going to have the resources necessary to do it and without any support for what they are doing today.

Today, somebody is going to be abused at the border. Some little girl, some family, is going to be abused at the hands of the cartels that have operational control of our border.

If you talk to anybody with deep knowledge of what is going on at the border, they know the cartels have operational control of our border. They are making hundreds of millions of dollars moving people, not just fentanyl, not just dangerous narcotics, but people. It is something that should end today.

We have the power, this body, to end it today. We should just call up H.R. 3056 and pass it. It would solve the problem. It would at least solve the problem of what they are dealing with in the humanitarian crisis.

What it won't do is solve the asylum problem. What it won't do is solve the catch-and-release problem. What it won't do is solve the problem of being able to take unaccompanied children safely back to families at home.

None of that will be solved in H.R. 3056. But H.R. 3056 is the bare minimum of what we ought to do in this body to ensure that people have the resources necessary to care for people when we are trying to manage a broken border overrun with crime, where communities in Texas are being ravaged, where yesterday a mayor came here and gave a press conference talking about car chases in the streets, where fentanyl is pouring across our border.

I urge this body to defeat the previous question and to move to H.R. 3056.

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

I appreciate the fact that the gentleman appreciates the staff who have been forced to remain here late into the night and into the early morning while he has insisted on vote after vote after vote. I am willing to venture a guess that the staff doesn't appreciate him very much.

I appreciate that the gentleman wants to do something about the here and now, about what is happening right this second. I wish the gentleman had that same attitude before he voted to delay the implementation of the emergency supplemental bill to deal with the disasters that hit Texas and a number of other States.

Let me assure the gentleman that we are very concerned about the humanitarian crisis at the border, and we are

engaged in negotiations with the Senate and the White House, trying to resolve this.

There are serious humanitarian needs at the border, many of which have been exacerbated by the Trump administration's cruel immigration policies. I mean, House Democrats understand these urgent needs. We want to address them, and negotiations continue.

Appropriators are continuing to have important conversations about how best to balance funding to address the humanitarian needs of the border with the imperative to hold this administration accountable.

If Republicans work with us, I am told that, by July 4th recess, we can pass a bicameral, bipartisan bill to provide humanitarian funding and protect the rights and the dignity of migrants.

It is hard for me to accept that the heart of what this administration is doing has anything to do with being humanitarian, with caring about the plight of these migrants. I have seen the separation of children from their parents, the cruel separation of children from their parents at the border. I have listened to this President go on a rampage, diminishing the plight of these refugees, in many cases, fleeing for their lives.

We are working, hopefully, in a bipartisan, bicameral way to get this done. But I would say this: If we care about doing what is right from a humanitarian perspective, it is not embracing the policies of this President.

Madam Speaker, I reserve the balance of my time.

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

I want to begin where my friend from Massachusetts left off. I have not enjoyed coming down to vote on things we could have voice-voted either. I have not enjoyed being here until midnight on votes when I knew how they were going to come out, when we could have been working together on issues where I didn't know how they were going to come out and where we were trying to be agents of change.

But when we are in the minority, it is the only tool that we have to draw attention. The reason we have been here night after night is not because Mr. ROY is trying to inconvenience anyone. It is because he went to the Rules Committee and offered an amendment to do something that everybody in this Chamber knows ought to be done, and he didn't even get a vote. Folks wouldn't even let him bring his idea. Here we are, in the people's House, on an issue that is a bipartisan issue, and he did not even get a vote.

He is not here to say it is his way or the highway. He is here to say that he thought this was a place where ideas were debated and agreed to or defeated. On that, I think he is absolutely right. He is absolutely right.

My friend from Massachusetts is right, Madam Speaker, when he says that he has opened up this process

more than it was the last cycle under Republicans. It is true.

But we have heard Member after Member who said: "I have a good bipartisan idea. I have a good bipartisan idea, but the Rules Committee didn't allow it to be heard."

Madam Speaker, House Resolution 92 from 2011, conveniently offered by Mr. WOODALL, me, that was the festival of democracy in February to March 2011, where we didn't just have an open rule on one appropriations bill, or two, three, or four. We opened up the entire Federal budget and allowed every Member's voice to be heard. From the most liberal Republican to the most conservative, from the most conservative Democrat to the most liberal, everybody had a say.

Madam Speaker, the problem we are having, I tell the gentleman from Massachusetts, is not that we are opening up the process and so that is why we are having all of these delays. The problem is that the process is still too closed. That is why we are having delays.

I can understand it if you beat me when I am trying to represent the views of my constituents. But when you shut me down, I think it offends each and every one of us.

Appropriations bills have been that loan vestige of openness in this institution. Democrats shut them down before I got here. Republicans didn't improve much on that model, save this resolution from 2011. There is still much room for improvement on both sides.

Madam Speaker, let's start that improvement, start that improvement by defeating the previous question.

Let's go back to where this whole disagreement started. Let's give the gentleman from Texas an opportunity to be heard on the bill from the gentleman from Alabama. Let's fund this crisis that we all agree needs to be funded.

Madam Speaker, I ask unanimous consent that the text of my amendment be inserted in the RECORD immediately prior to the vote on the previous question.

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

There was no objection.

Mr. WOODALL. Madam Speaker, I will close with the words from the chairman of the Rules Committee last week:

I take a back seat to no one on this issue. We will deal with this issue. We will come up with something quick, and I look forward to working with you. We need to move this bill expeditiously.

I believe every word that he said. But it has been 7 days and the sole result of those meaningful words is nothing. We might have the luxury of another day. We might have the luxury of another 2. But that luxury is fast eroding, Madam Speaker.

My friend from Massachusetts does take a back seat to no one when it comes to caring for children, which is

why we are all counting on his leadership to move this issue forward with the seriousness that every Member of this institution believes it deserves.

Madam Speaker, I urge my friends: Defeat the previous question. Let's have this conversation today, not tomorrow, not the next day. Let's fix today what we can fix today.

Madam Speaker, success has an amazing way of making people feel better about themselves. Doing things that matter has an amazing way of making people feel better. It turns out, in this institution, Madam Speaker, success is incremental.

□ 1315

We do something well together today, we do something even bigger together tomorrow.

Defeat this previous question. Take up this issue of families and their care, and then we will move on with the rest of the appropriations business exactly, flawed or not, as my friend from Massachusetts has crafted.

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

Mr. MCGOVERN. Madam Speaker, I yield myself the balance of my time. I want to thank the gentleman from Georgia (Mr. WOODALL), who is my friend, and all those who participated in the debate here today.

Let me just make one observation about the previous question and this debate on the border crisis. I am looking at a Politico column that just appeared at 12:58 p.m. It says:

House inches toward 11th hour deal on funding the border crisis.

We probably would have reached a deal already, because the negotiations have been ongoing, but instead, Members have had to spend an inordinate amount of time on the House floor voting on amendment after amendment that passed almost unanimously.

One of the things I have learned about this place is that we have a lot of people who like to embrace the theater of Washington, and sometimes it becomes the theater of the absurd, people who know that issues are about to be solved, but who then stand up and demand that it gets solved so that when it gets solved, they can take a bow and take credit.

The bottom line is what has gone on on this House floor has delayed, I think, a solution here that we all want, and my hope is that Politico is correct and that we will get to this resolution soon and that there will be a big, strong, bipartisan support of whatever the agreement is, but I assure you about one thing, no deal is coming to a conclusion because of the theatrics that have happened on this House floor with demanding vote after vote after vote.

It really has become silly, it has become absurd, and I think we are better than that.

If people want to solve issues, they ought to support the negotiators of both parties that are trying to work

out a deal, and that is the way this place should operate. When it doesn't, it becomes silly, and that is what has been going on here.

Madam Speaker, I would urge my colleagues to vote "yes" on the previous question.

I would also say that there is no such thing as a perfect rule or perfect bill, but this is it. There are 290 amendments that are going to be debated on this. That is not clamping down on the process. There are 290 amendments.

There are a lot of amendments here. I started reading some of the Republican amendments that have been made in order. I have got to be honest with you, a lot of them, I think, are really terrible ideas, and I am going to fight like hell to try to defeat them because they are so bad. But they are going to have their day on the floor and they are going to be able to debate them.

That is not counting all the bipartisan amendments that have been made in order where Democrats and Republicans actually came together and forged a collaboration and a coalition to try to get stuff done for the good of our country.

Now, Madam Speaker, I understand that some watching this debate might find the appropriations process to be a little arcane, but it is actually incredibly important.

It is about whether Congress is going to make investments that give everyone in this country a shot at a better life. That is even more important today, especially with this administration in power.

Republicans have claimed for years to want a government so small that they could drown it in a bathtub. Well, this administration is taking it one step further, and wants a government small enough to leave millions of poor and working Americans with nowhere to turn. That is why it has released one extreme proposal after the next that would cut government spending to the bone for hardworking families, all while the wealthy get a windfall.

I have heard from so many in my district that are rightly frustrated by this approach. They want to see investments made in our communities that help all Americans, and that is what this does.

Let me say it again. The Appropriations Committee, the Democrats and the Republicans on the Appropriations Committee and their staffs, deserve bipartisan praise for the incredible amount of work they have put into this.

If you want to grow our economy and you want to combat gun violence, you want to rebuild our infrastructure, and more, then you should support this bill.

My friends on the other side who talked about wanting to debate more Republican ideas on the House floor should also support this bill, because, again, we are making 290 amendments in order for this bill. Again, some of them I agree with, some of them I plan

to vote against, but they are all going to be debated.

Madam Speaker, I will conclude by saying, in addition to thanking the Appropriations Committee and their staff, I want to thank the Rules Committee, the Democrats and the Republicans, and our staffs, for all the time that they have put in during, not only this week but last week as well. It is like final exam week. These are all-nighters for the staff, and oftentimes that gets overlooked, so I want to thank them for their patience and for their diligent work.

Madam Speaker, I urge a "yes" on the previous question, "yes" on this rule and on the underlying resolution.

The material previously referred to by Mr. WOODALL is as follows:

#### AMENDMENT TO HOUSE RESOLUTION 445

At the end of the resolution, add the following:

SEC. 14. That immediately upon adoption of this resolution, the House shall resolve into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3056) to provide supplemental appropriations relating to border security, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. Clause 2(e) of rule XXI shall not apply during consideration of the bill. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 15. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 3056.

Mr. McGOVERN. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. WOODALL. Madam 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 question will be postponed.

#### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess for a period of less than 15 minutes.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess.

□ 1330

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. TORRES SMALL of New Mexico) at 1 o'clock and 30 minutes p.m.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Proceedings will resume on questions previously postponed.

Votes will be taken in the following order:

Ordering the previous question on House Resolution 445; and

Adoption of House Resolution 445, if ordered.

The first electronic vote will be conducted as a 15-minute vote. Pursuant to clause 9 of rule XX, remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H.R. 3055, COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020; RELATING TO CONSIDERATION OF H.R. 2740, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM JUNE 28, 2019, THROUGH JULY 8, 2019

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the unfinished business is the vote on ordering the previous question on the resolution (H. Res. 445) providing for consideration of the bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes; relating to consideration of the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes; and providing for proceedings during the period from June 28, 2019, through July 8, 2019, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 232, nays 193, not voting 7, as follows:

[Roll No. 356]

## YEAS—232

Adams	Garcia (TX)	Ocasio-Cortez
Aguilar	Golden	Omar
Allred	Gomez	Pallone
Axne	Gonzalez (TX)	Panetta
Barragán	Gottheimer	Pappas
Bass	Green (TX)	Pascarell
Beatty	Grijalva	Payne
Bera	Haaland	Perlmutter
Beyer	Harder (CA)	Peters
Bishop (GA)	Hayes	Peterson
Blumenauer	Heck	Phillips
Blunt Rochester	Higgins (NY)	Pingree
Bonamici	Hill (CA)	Pocan
Boyle, Brendan	Himes	Porter
F.	Horn, Kendra S.	Pressley
Brindisi	Horsford	Price (NC)
Brown (MD)	Houlihan	Quigley
Brownley (CA)	Hoyer	Raskin
Bustos	Huffman	Rice (NY)
Butterfield	Jackson Lee	Richmond
Carbajal	Jayapal	Rose (NY)
Cárdenas	Jeffries	Rouda
Carson (IN)	Johnson (GA)	Roybal-Allard
Cartwright	Johnson (TX)	Ruiz
Case	Kaptur	Ruppersberger
Casten (IL)	Keating	Rush
Castor (FL)	Kelly (IL)	Ryan
Castro (TX)	Kennedy	Sánchez
Chu, Judy	Khanna	Sarbanes
Cicilline	Kildee	Scanlon
Cisneros	Kilmer	Schakowsky
Clark (MA)	Kim	Schiff
Clarke (NY)	Kind	Schneider
Clay	Kirkpatrick	Schrader
Cleaver	Krishnamoorthi	Schrier
Clyburn	Kuster (NH)	Scott (VA)
Cohen	Lamb	Scott, David
Connolly	Langevin	Serrano
Cooper	Larsen (WA)	Sewell (AL)
Correa	Larson (CT)	Shalala
Costa	Lawrence	Sherman
Courtney	Lawson (FL)	Sherrill
Cox (CA)	Lee (CA)	Sires
Craig	Lee (NV)	Slotkin
Crist	Levin (CA)	Smith (WA)
Crow	Levin (MI)	Soto
Cuellar	Lewis	Spanberger
Cummings	Lieu, Ted	Speier
Cunningham	Lipinski	Stanton
Davids (KS)	Loeb sack	Stevens
Davis (CA)	Lofgren	Suozzi
Davis, Danny K.	Lowenthal	Swalwell (CA)
Dean	Lowe	Takano
DeFazio	Luján	Thompson (CA)
DeGette	Luria	Thompson (MS)
DeLauro	Lynch	Titus
DelBene	Malinowski	Tlaib
Delgado	Maloney,	Tonko
Demings	Carolyn B.	Torres (CA)
DeSaulnier	Maloney, Sean	Torres Small
Deutch	Matsui	(NM)
Dingell	McAdams	Trahan
Doggett	McBath	Trone
Doyle, Michael	McCollum	Underwood
F.	McEachin	Van Drew
Engel	McGovern	Vargas
Escobar	McNerney	Veasey
Eshoo	Meeks	Vela
Espallat	Meng	Velázquez
Evans	Moore	Visclosky
Finkenauer	Morelle	Wasserman
Fletcher	Moulton	Schultz
Foster	Mucarsel-Powell	Waters
Frankel	Murphy	Watson Coleman
Fudge	Nadler	Welch
Gabbard	Napolitano	Wexton
Galleo	Neal	Wild
Garamendi	Norcross	Wilson (FL)
Garcia (IL)	O'Halleran	Yarmuth

## NAYS—193

Abraham	Bishop (UT)	Chabot
Aderholt	Bost	Cheney
Allen	Brady	Cline
Amash	Brooks (AL)	Cloud
Amodei	Brooks (IN)	Cole
Arrington	Buchanan	Collins (NY)
Babin	Buck	Comer
Bacon	Bucshon	Conaway
Baird	Budd	Cook
Balderson	Burchett	Crawford
Banks	Crenshaw	Burgess
Barr	Byrne	Davidson (OH)
Bergman	Calvert	DesJarlais
Biggs	Carter (GA)	Diaz-Balart
Bilirakis	Carter (TX)	Duffy

Duncan	Kelly (PA)	Rose, John W.
Dunn	King (IA)	Rouzer
Emmer	King (NY)	Roy
Estes	Kinzing	Rutherford
Ferguson	Kustoff (TN)	Scalise
Fitzpatrick	LaHood	Schweikert
Fleischmann	LaMalfa	Scott, Austin
Flores	Lamborn	Sensenbrenner
Fortenberry	Latta	Shimkus
Fox (NC)	Lesko	Simpson
Fulcher	Long	Smith (MO)
Gaetz	Loudermilk	Smith (NE)
Gallagher	Lucas	Smith (NJ)
Gianforte	Luetkemeyer	Smucker
Gibbs	Marchant	Spano
Gohmert	Marshall	Staubert
Gonzalez (OH)	Massie	Stefanik
Gooden	Mast	Steube
Gosar	McCarthy	Stewart
Granger	McCaul	Stivers
Graves (GA)	McClintock	Taylor
Graves (LA)	McHenry	Thompson (PA)
Graves (MO)	McKinley	Thornberry
Green (TN)	Meadows	Timmons
Griffith	Meuser	Tipton
Grothman	Miller	Turner
Guest	Mitchell	Upton
Guthrie	Moolenaar	Wagner
Hagedorn	Mooney (WV)	Walberg
Harris	Mullin	Walden
Hartzler	Newhouse	Walker
Hern, Kevin	Norman	Walorski
Hice (GA)	Nunes	Waltz
Higgins (LA)	Olson	Watkins
Hill (AR)	Palazzo	Weber (TX)
Holding	Palmer	Webster (FL)
Hollingsworth	Pence	Wenstrup
Hudson	Perry	Westerman
Huizenga	Posey	Williams
Hunter	Ratcliffe	Wilson (SC)
Hurd (TX)	Reed	Wittman
Johnson (LA)	Reschenthaler	Womack
Johnson (OH)	Rice (SC)	Woodall
Johnson (SD)	Riggleman	Wright
Jordan	Roby	Yoho
Joyce (OH)	Rodgers (WA)	Young
Joyce (PA)	Roe, David P.	Zeldin
Katko	Rogers (AL)	
Keller	Rogers (KY)	
Kelly (MS)	Rooney (FL)	

## NOT VOTING—7

Davis, Rodney

Neguse

Hastings

Herrera Beutler

□ 1355

Mr. CRENSHAW changed his vote from “yea” to “nay.”

Messrs. RUSH and BLUMENAUER changed their vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. NEGUSE. Madam Speaker, due to a committee meeting, I was delayed with regards to the following vote. Had I been present, I would have voted “yea” on rollcall No. 356.

Stated against:

Mr. RODNEY DAVIS of Illinois. Madam Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 356.

Mr. ARMSTRONG. Madam Speaker, I was detained in the Hope Hicks deposition. Had I been present, I would have voted “Nay” on rollcall No. 356.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

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

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 231, nays 195, not voting 6, as follows:

[Roll No. 357]

## YEAS—231

Adams	Gomez	Ocasio-Cortez
Aguilar	Gonzalez (TX)	Omar
Allred	Gottheimer	Pallone
Axne	Green (TX)	Panetta
Barragán	Grijalva	Pappas
Bass	Haaland	Pascarell
Beatty	Harder (CA)	Payne
Bera	Hayes	Perlmutter
Beyer	Heck	Peters
Bishop (GA)	Higgins (NY)	Peterson
Blumenauer	Hill (CA)	Phillips
Blunt Rochester	Himes	Pingree
Bonamici	Horn, Kendra S.	Pocan
Boyle, Brendan	Horsford	Porter
F.	Houlihan	Pressley
Brindisi	Hoyer	Price (NC)
Brown (MD)	Huffman	Quigley
Brownley (CA)	Jackson Lee	Raskin
Bustos	Jayapal	Richmond
Butterfield	Jeffries	Rose (NY)
Carbajal	Johnson (GA)	Rouda
Cárdenas	Johnson (TX)	Roybal-Allard
Carson (IN)	Kaptur	Ruiz
Cartwright	Keating	Ruppersberger
Case	Kelly (IL)	Rush
Casten (IL)	Kennedy	Ryan
Castor (FL)	Khanna	Sánchez
Castro (TX)	Kildee	Sarbanes
Chu, Judy	Kilmer	Scanlon
Cicilline	Kim	Schakowsky
Cisneros	Kind	Schiff
Clark (MA)	King (IA)	Schneider
Clarke (NY)	Kirkpatrick	Schrader
Clay	Krishnamoorthi	Schrier
Cleaver	Kuster (NH)	Scott (VA)
Clyburn	Lamb	Scott, David
Cohen	Langevin	Serrano
Connolly	Larsen (WA)	Sewell (AL)
Costa	Larson (CT)	Shalala
Courtney	Lawrence	Sherman
Cox (CA)	Lawson (FL)	Sherrill
Craig	Lee (CA)	Sires
Crist	Lee (NV)	Slotkin
Crow	Levin (CA)	Smith (WA)
Cuellar	Levin (MI)	Soto
Cummings	Lewis	Spanberger
Cunningham	Lieu, Ted	Speier
Davids (KS)	Lipinski	Stanton
Davis (CA)	Loeb sack	Stevens
Davis, Danny K.	Lofgren	Suozzi
Dean	Lowenthal	Swalwell (CA)
DeFazio	Lowe	Takano
DeGette	Luján	Thompson (CA)
DeLauro	Luria	Thompson (MS)
DelBene	Lynch	Titus
Delgado	Malinowski	Tlaib
Demings	Maloney,	Tonko
DeSaulnier	Carolyn B.	Torres (CA)
Deutch	Maloney, Sean	Torres Small
Dingell	Matsui	(NM)
Doggett	McAdams	Trahan
Doyle, Michael	McBath	Trone
F.	McCollum	Underwood
Engel	McEachin	Van Drew
Escobar	McGovern	Vargas
Eshoo	McNerney	Veasey
Espallat	Meeks	Vela
Evans	Meng	Velázquez
Finkenauer	Moore	Visclosky
Fletcher	Morelle	Wasserman
Foster	Moulton	Schultz
Frankel	Mucarsel-Powell	Waters
Fudge	Murphy	Watson Coleman
Gabbard	Nadler	Welch
Galleo	Napolitano	Wexton
Garamendi	Neal	Wild
Garcia (IL)	Neguse	Wilson (FL)
Garcia (TX)	Norcross	Yarmuth
Golden	O'Halleran	

## NAYS—195

Abraham	Banks	Buck
Aderholt	Barr	Bucshon
Allen	Bergman	Budd
Amash	Biggs	Burchett
Amodei	Bilirakis	Burgess
Armstrong	Bishop (UT)	Byrne
Arrington	Bost	Calvert
Babin	Brady	Carter (GA)
Bacon	Brooks (AL)	Carter (TX)
Baird	Brooks (IN)	Chabot
Balderson	Buchanan	Cheney



Cline	Huizenga	Roby
Cloud	Hunter	Rodgers (WA)
Cole	Hurd (TX)	Roe, David P.
Collins (GA)	Johnson (LA)	Rogers (AL)
Collins (NY)	Johnson (OH)	Rogers (KY)
Comer	Johnson (SD)	Rooney (FL)
Conaway	Jordan	Rose, John W.
Cook	Joyce (OH)	Rouzer
Cooper	Joyce (PA)	Roy
Crawford	Katko	Rutherford
Crenshaw	Keller	Scalise
Davidson (OH)	Kelly (MS)	Schweikert
Davis, Rodney	Kelly (PA)	Scott, Austin
DesJarlais	King (NY)	Sensenbrenner
Diaz-Balart	Kinzinger	Shimkus
Duffy	Kustoff (TN)	Simpson
Duncan	LaHood	Smith (MO)
Dunn	LaMalfa	Smith (NE)
Emmer	Lamborn	Smith (NJ)
Estes	Latta	Smucker
Ferguson	Lesko	Spano
Fitzpatrick	Long	Stauber
Fleischmann	Loudermilk	Stefanik
Flores	Lucas	Steil
Fortenberry	Luetkemeyer	Steube
Fox (NC)	Marchant	Stewart
Fulcher	Marshall	Stivers
Gaetz	Massie	Taylor
Gallagher	Mast	Thompson (PA)
Gianforte	McCarthy	Thornberry
Gibbs	McCauley	Timmons
Gohmert	McClintock	Tipton
Gonzalez (OH)	McHenry	Turner
Gooden	McKinley	Upton
Gosar	Meadows	Wagner
Granger	Meuser	Walberg
Graves (GA)	Miller	Walden
Graves (LA)	Mitchell	Walker
Graves (MO)	Moolenaar	Walorski
Green (TN)	Mooney (WV)	Waltz
Griffith	Mullin	Watkins
Grothman	Norman	Weber (TX)
Guest	Nunes	Webster (FL)
Guthrie	Olson	Wenstrup
Hagedorn	Palazzo	Westerman
Harris	Palmer	Williams
Hartzler	Pence	Wilson (SC)
Hern, Kevin	Perry	Wittman
Hice (GA)	Posey	Womack
Higgins (LA)	Ratcliffe	Woodall
Hill (AR)	Reed	Wright
Holding	Reschenthaler	Yoho
Hollingsworth	Rice (SC)	Young
Hudson	Riggleman	Zeldin

## NOT VOTING—6

Correa	Hastings	Newhouse
Curtis	Herrera Beutler	Rice (NY)

□ 1405

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

The SPEAKER pro tempore. Pursuant to House Resolution 436 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 2740.

Will the gentleman from Oregon (Mr. BLUMENAUER) kindly take the chair.

□ 1408

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending Sep-

tember 30, 2020, and for other purposes, with Mr. BLUMENAUER (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Tuesday, June 18, 2019, amendment No. 61 printed in part A of House Report 116–111 offered by the gentleman from California (Mr. Cox) had been disposed of.

Pursuant to House Resolution 445, the amendment printed in part C of House Report 116–119 shall be considered as adopted in the House and in the Committee of the Whole.

The text of the amendment printed in part C of House Report 116–119 is as follows:

Page 59, line 12, after the dollar amount, insert “(increased by \$70,000,000)”.

Page 66, line 14, after the dollar amount, insert “(increased by \$20,000,000)”.

Page 68, line 21, after the dollar amount, insert “(increased by \$19,500,000)”.

Page 77, line 10, after the dollar amount, insert “(increased by \$100,000,000)”.

Page 77, line 11, after the dollar amount, insert “(increased by \$100,000,000)”.

Page 121, line 23, after the dollar amount, insert “(increased by \$80,000,000)”.

Page 121, line 24, after the dollar amount, insert “(increased by \$80,000,000)”.

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in part A of House Report 116–111 on which further proceedings were postponed, in the following order:

Amendment No. 63 by Mr. BURGESS of Texas.

Amendment No. 64 by Mr. BURGESS of Texas.

Amendments en bloc No. 3 by Ms. KAPTUR of Ohio.

Amendments en bloc No. 4 by Ms. KAPTUR of Ohio.

Amendment No. 89 by Mr. MULLIN of Oklahoma.

Amendment No. 90 by Mr. HUFFMAN of California.

Amendment No. 91 by Mr. GRAVES of Louisiana.

Amendment No. 97 by Mr. BANKS of Indiana.

The Chair will reduce to 2 minutes the minimum time for any electronic vote in this series.

## AMENDMENT NO. 63 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 146, noes 288, not voting 4, as follows:

[Roll No. 358]

AYES—146

Abraham	Gohmert	Moolenaar
Allen	Gooden	Mooney (WV)
Amash	Gosar	Mullin
Amodei	Granger	Norman
Arrington	Graves (GA)	Nunes
Babin	Graves (MO)	Olson
Bacon	Green (TN)	Palazzo
Balderson	Griffith	Palmer
Banks	Grothman	Pence
Barr	Guest	Perry
Bergman	Guthrie	Ratcliffe
Biggs	Hagedorn	Rice (SC)
Bilirakis	Harris	Riggleman
Bishop (UT)	Hartzler	Rodgers (WA)
Brady	Hern, Kevin	Roe, David P.
Brooks (AL)	Hice (GA)	Rose, John W.
Brooks (IN)	Higgins (LA)	Rouzer
Buchanan	Hill (AR)	Roy
Buck	Holding	Scalise
Bucshon	Hudson	Schweikert
Budd	Huizenga	Scott, Austin
Burchett	Hunter	Sensenbrenner
Burgess	Johnson (LA)	Shimkus
Byrne	Johnson (OH)	Smith (MO)
Carter (GA)	Johnson (SD)	Smith (NE)
Carter (TX)	Jordan	Smucker
Chabot	Joyce (PA)	Spano
Cline	Keating	Steil
Cloud	Keller	Steube
Collins (GA)	Kelly (MS)	Stewart
Comer	Kelly (PA)	Taylor
Conaway	King (IA)	Timmons
Cook	Kustoff (TN)	Wagner
Crawford	LaHood	Walberg
Crenshaw	LaMalfa	Walker
Davidson (OH)	Lamborn	Walorski
DesJarlais	Latta	Waltz
Duffy	Lesko	Watkins
Duncan	Long	Weber (TX)
Dunn	Loudermilk	Webster (FL)
Emmer	Marchant	Wenstrup
Estes	Marshall	Westerman
Ferguson	Massie	Williams
Flores	McCarthy	Wittman
Fox (NC)	McClintock	Woodall
Fulcher	McHenry	Wright
Gaetz	Meadows	Yoho
Gianforte	Meuser	Zeldin
Gibbs	Mitchell	

NOES—288

Adams	Connolly	Gallego
Aderholt	Cooper	Garamendi
Aguilar	Correa	Garcia (IL)
Allred	Costa	Garcia (TX)
Armstrong	Courtney	Golden
Axne	Cox (CA)	Gomez
Baird	Craig	Gonzalez (OH)
Barragan	Crist	Gonzalez (TX)
Bass	Crow	Gonzalez-Colón (PR)
Beatty	Cuellar	Gottheimer
Bera	Cummings	Graves (LA)
Beyer	Cunningham	Green (TX)
Bishop (GA)	Davids (KS)	Grijalva
Blumenauer	Davis (CA)	Haaland
Blunt Rochester	Davis, Danny K.	Harder (CA)
Bonamici	Davis, Rodney	Hayes
Bost	Dean	Heck
Boyle, Brendan	DeFazio	Higgins (NY)
F.	DeGette	Hill (CA)
Brindisi	DeLauro	Himes
Brown (MD)	DelBene	Hollingsworth
Brownley (CA)	Delgado	Horn, Kendra S.
Bustos	Demings	Horsford
Butterfield	DeSaulnier	Houlahan
Calvert	Deutch	Hoyer
Carbajal	Diaz-Balart	Huffman
Cárdenas	Dingell	Hurd (TX)
Carson (IN)	Doggett	Jackson Lee
Cartwright	Doyle, Michael	Jayapal
Case	F.	Jeffries
Casten (IL)	Engel	Johnson (GA)
Castor (FL)	Escobar	Johnson (TX)
Castro (TX)	Eshoo	Joyce (OH)
Cheney	Espallat	Kaptur
Chu, Judy	Evans	Katko
Cicilline	Finkenauer	Kelly (IL)
Cisneros	Fitzpatrick	Kennedy
Clark (MA)	Fleischmann	Khanna
Clarke (NY)	Fletcher	Kildee
Clay	Fortenberry	Kilmer
Cleaver	Foster	Kim
Clyburn	Frankel	Kind
Cohen	Fudge	King (NY)
Cole	Gabbard	Kinzing
Collins (NY)	Gallagher	

Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Mast  
Matsui  
McAdams  
McBath  
McCauley  
McCollum  
McEachin  
McGovern  
McKinley  
McNerney  
Meeks  
Meng  
Miller  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy  
Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross

## NOT VOTING—4

Curtis  
Hastings

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1413

Mr. VEASEY changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 64 OFFERED BY MR. BURGESS

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. BURGESS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 197, noes 237, not voting 4, as follows:

Sherman  
Sherrill  
Simpson  
Sires  
Slotkin  
Smith (NJ)  
Smith (WA)  
Soto  
Spanberger  
Speier  
Stanton  
Staubert  
Stefanik  
Stevens  
Stivers  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
Trahan  
Trone  
Turner  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walden  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Welch  
Wexton  
Wild  
Wilson (FL)  
Wilson (SC)  
Womack  
Yarmuth  
Young

Abraham  
Aderholt  
Allen  
Amodei  
Armstrong  
Arrington  
Babin  
Bacon  
Baird  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Billirakis  
Bishop (UT)  
Bost  
Brady  
Brindisi  
Brooks (AL)  
Brooks (IN)  
Buchanan  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Calvert  
Carter (GA)  
Carter (TX)  
Chabot  
Cheney  
Cline  
Cloud  
Cole  
Collins (GA)  
Collins (NY)  
Comer  
Conaway  
Cook  
Crawford  
Crenshaw  
Davidson (OH)  
Davis, Rodney  
DesJarlais  
Diaz-Balart  
Duffy  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Fitzpatrick  
Fleischmann  
Flores  
Fortenberry  
Foxy (NC)  
Fulcher  
Gaetz  
Gallagher  
Gianforte  
Gibbs  
Gohmert  
Golden  
Gonzalez (OH)

Adams  
Aguilar  
Allred  
Amash  
Axne  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blumenauer  
Blunt Rochester  
Bonamici  
Boyle, Brendan  
F.  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)

[Roll No. 359]

## AYES—197

Gooden  
Gosar  
Graves (GA)  
Graves (LA)  
Graves (MO)  
Green (TN)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Harris  
Hartzler  
Hern, Kevin  
Hice (GA)  
Higgins (LA)  
Hill (AR)  
Holding  
Hollingsworth  
Hudson  
Huizenga  
Hunter  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (PA)  
Katko  
Keller  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Latta  
Lesko  
Long  
Loudermilk  
Lucas  
Luetkemeyer  
Marchant  
Marshall  
Massie  
Mast  
McCarthy  
McCauley  
McClintock  
McHenry  
McKinley  
Meadows  
Meuser  
Miller  
Mitchell  
Moolenaar  
Mooney (WV)  
Mullin  
Newhouse  
Norman  
Nunes  
Olson  
Palazzo  
Palmer

## NOES—237

Chu, Judy  
Cicilline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crist  
Crow  
Cuellar  
Cummings  
Cunningham  
Davids (KS)  
Davis (CA)  
Davis, Danny K.  
Dean  
DeFazio  
DeGette  
DeLauro

Gottheimer  
Granger  
Green (TX)  
Grijalva  
Haaland  
Harder (CA)  
Hayes  
Heck  
Higgins (NY)  
Hill (CA)  
Himes  
Horn, Kendra S.  
Horsford  
Houlahan  
Hoyer  
Huffman  
Hurd (TX)  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (TX)  
Joyce (OH)  
Kaptur  
Keating  
Kelly (IL)  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowenthal  
Lowey  
Luján

## NOT VOTING—4

Curtis  
Hastings

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1418

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENTS EN BLOC NO. 3 OFFERED BY MS.

## KAPTUR OF OHIO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on amendments en bloc offered by the gentlewoman from Ohio (Ms. KAPTUR) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendments en bloc.

The Clerk redesignated the amendments en bloc.

## RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 200, not voting 5, as follows:

Ryan  
Sablan  
San Nicolas  
Sánchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schradler  
Schrier  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Sires  
Slotkin  
Smith (WA)  
Soto  
Spanberger  
Speier  
Stanton  
Stevens  
Suozi  
Swalwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
(NM)  
Trahan  
Trone  
Underwood  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Wasserman  
Schultz  
Watson Coleman  
Welch  
Wexton  
Wilson (FL)  
Yarmuth

DelBene  
Delgado  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett  
Doyle, Michael  
F.  
Engel  
Escobar  
Eshoo  
Español  
Evans  
Finkenauer  
Fletcher  
Foster  
Frankel  
Fudge  
Gabbard  
Gallego  
Garamendi  
García (IL)  
García (TX)  
Gomez  
Gonzalez (TX)  
González-Colón  
(PR)

[Roll No. 360]

## AYES—233

Adams González-Colón  
Aguilar (PR)  
Axne Gottheimer  
Barragán Green (TX)  
Bass Grijalva  
Beatty Haaland  
Bera Harder (CA)  
Beyer Hayes  
Bishop (GA) Heck  
Blumenauer Higgins (NY)  
Blunt Rochester Hill (CA)  
Bonamici Himes  
Boyle, Brendan F. Horn, Kendra S.  
Brindisi Horsford  
Brown (MD) Houlahan  
Brownley (CA) Hoyer  
Bustos Huffman  
Butterfield Jackson Lee  
Carbajal Jayapal  
Cárdenas Jeffries  
Carson (IN) Johnson (GA)  
Cartwright Johnson (TX)  
Case Kaptur  
Casten (IL) Katko  
Castor (FL) Kelly (IL)  
Castro (TX) Kennedy  
Chu, Judy Khanna  
Cicilline Kildee  
Cisneros Kilmer  
Clark (MA) Kim  
Clarke (NY) Kind  
Clay Kirkpatrick  
Cleaver Krishnamoorthi  
Clyburn Kuster (NH)  
Cohen Langevin  
Connolly Larson (WA)  
Cooper Larson (CT)  
Correa Lawrence  
Costa Lawson (FL)  
Courtney Lee (CA)  
Craig Lee (NV)  
Crist Levin (CA)  
Crow Levin (MI)  
Cuellar Lewis  
Cummings Lieu, Ted  
Cunningham Lipinski  
Davids (KS) Loeb sack  
Davis (CA) Lofgren  
Davis, Danny K. Lowenthal  
Dean Lowey  
DeFazio Luján  
DeGette Luria  
DeLauro Lynch  
DeBene Malinowski  
Delgado Maloney,  
Demings Carolyn B.  
DeSaulnier Maloney, Sean  
Deutch Mast  
Dingell Matsui  
Doggett McBath  
Doyle, Michael McCollum  
F. McEachin  
Engel McGovern  
Escobar McNerney  
Eshoo Meeks  
Español Meng  
Evans Moore  
Finkenauer Morelle  
Fitzpatrick Moulton  
Foster Mucarsel-Powell  
Frankel Murphy  
Fudge Nadler  
Gabbard Napolitano  
Gallego Neal  
Garamendi Neguse  
Garcia (IL) Norcross  
Garcia (TX) Norton  
Golden O'Halleran  
Gomez Ocasio-Cortez  
Omar

## NOES—200

Abraham Bergman  
Aderholt Biggs  
Allen Bilirakis  
Allred Bishop (UT)  
Amash Bost  
Amodei Brady  
Armstrong Brooks (AL)  
Arrington Brooks (IN)  
Babin Buchanan  
Bacon Buck  
Baird Bucshon  
Balderson Budd  
Banks Burchett  
Barr Burgess

Cox (CA) Jordan  
Crawford Joyce (OH)  
Crenshaw Joyce (PA)  
Davidson (OH) Keller  
Davis, Rodney Kelly (MS)  
DesJarlais Kelly (PA)  
Diaz-Balart King (IA)  
Duffy King (NY)  
Duncan Kinzinger  
Dunn Kustoff (TN)  
Emmer LaHood  
Estes LaMalfa  
Ferguson Lamb  
Fleischmann Lamborn  
Fletcher Latta  
Flores Lesko  
Fortenberry Long  
Foxy (NC) Loudermilk  
Fulcher Lucas  
Gaetz Luetkemeyer  
Gallagher Marchant  
Gianforte Marshall  
Gibbs Massie  
Gohmert McAdams  
Gonzalez (OH) McCarthy  
Gonzalez (TX) McCaul  
Gooden McClintock  
Gosar McHenry  
Granger McKinley  
Graves (GA) Meadows  
Graves (LA) Meuser  
Graves (MO) Miller  
Green (TN) Mitchell  
Griffith Moolenaar  
Grothman Mooney (WV)  
Guest Mullin  
Guthrie Newhouse  
Hagedorn Norman  
Harris Nunes  
Hartzler Olson  
Hern, Kevin Palazzo  
Hice (GA) Palmer  
Higgins (LA) Pence  
Hill (AR) Perry  
Holding Peterson  
Hollingsworth Plaskett  
Hudson Posey  
Huizenga Ratcliffe  
Hunter Reed  
Hurd (TX) Reschenthaler  
Johnson (LA) Rice (SC)  
Johnson (OH) Rigglesman  
Johnson (SD) Roby

## NOT VOTING—5

Curtis Herrera Beutler  
Hastings Keating

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1422

So the en bloc amendments were  
agreed to.

The result of the vote was announced  
as above recorded.

AMENDMENTS EN BLOC NO. 4 OFFERED BY MS.  
KAPTUR OF OHIO

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on amendments en bloc offered by  
the gentlewoman from Ohio (Ms. KAP-  
TUR) on which further proceedings were  
postponed and on which the ayes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendments en bloc.

The Clerk redesignated the amend-  
ments en bloc.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 382, noes 52,  
not voting 4, as follows:

[Roll No. 361]

## AYES—382

Adams Dunn  
Aderholt Emmer  
Aguilar Engel  
Allred Escobar  
Amodei Eshoo  
Armstrong Espaillat  
Axne Estes  
Babin Evans  
Bacon Finkenauer  
Baird Fitzpatrick  
Balderson Fleischmann  
Banks Fletcher  
Barr Flores  
Barragán Fortenberry  
Bass Spano  
Beatty Foster  
Bera Foxx (NC)  
Bergman Frankel  
Beyer Fudge  
Bilirakis Fulcher  
Bishop (GA) Gabbard  
Blumenauer Gallagher  
Blunt Rochester Gallego  
Bonamici Garamendi  
Boyle, Brendan F. Garcia (IL)  
Brady Garcia (TX)  
Brindisi Gianforte  
Brooks (IN) Gibbs  
Brown (MD) Golden  
Brownley (CA) Gomez  
Buchanan Gonzalez (OH)  
Budd Gonzalez (TX)  
Burchett Gonzalez-Colón  
Bustos (PR)  
Butterfield Gottheimer  
Calvert Granger  
Carbajal Graves (LA)  
Cárdenas Graves (MO)  
Carson (IN) Green (TX)  
Carter (TX) Griffith  
Cartwright Grijalva  
Case Guest  
Casten (IL) Guthrie  
Castor (FL) Haaland  
Castro (TX) Hagedorn  
Cheney Harder (CA)  
Chu, Judy Hartzler  
Cicilline Hill (AR)  
Cisneros Hill (CA)  
Clark (MA) Himes  
Clarke (NY) Holding  
Clay Hollingsworth  
Cleaver Horn, Kendra S.  
Clyburn Horsford  
Cohen Houlahan  
Cole Hoyer  
Collins (GA) Hudson  
Collins (NY) Huffman  
Comer Huizenga  
Conaway Hunter  
Connolly Hurd (TX)  
Cook Jackson Lee  
Cooper Jayapal  
Correa Jeffries  
Costa Johnson (GA)  
Courtney Johnson (SD)  
Craig Johnson (TX)  
Crawford Jordan  
Crenshaw Joyce (OH)  
Crist Joyce (PA)  
Crow Kaptur  
Cuellar Katko  
Cummings Keating  
Cunningham Keller  
Davids (KS) Kelly (IL)  
Davis (CA) Kelly (MS)  
Davis, Danny K. Kelly (PA)  
Davis, Rodney Kennedy  
Dean Khanna  
DeFazio Kildee  
DeGette Kilmer  
DeLauro Kim  
DelBene Kind  
Delgado King (NY)  
Demings Kinzinger  
DeSaulnier Kirkpatrick  
DesJarlais Krishnamoorthi  
Deutch Kuster (NH)  
Diaz-Balart Kustoff (TN)  
Dingell LaHood  
Doggett LaMalfa  
Doyle, Michael Lamb  
F. Lamborn

Langevin  
Larsen (WA)  
Larson (CT)  
Latta  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Lesko  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Long  
Lowenthal  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Maloney, Sean  
Marshall  
Mast  
Matsui  
McAdams  
McBath  
McCarthy  
McCaul  
McCollum  
McEachin  
McGovern  
McHenry  
McKinley  
McNerney  
Meeks  
Meng  
Miller  
Mitchell  
Moolenaar  
Mooney (WV)  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy  
Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norton  
Nunes  
O'Halleran  
Ocasio-Cortez  
Olson  
Omar  
Pallone  
Panetta  
Pappas  
Pascarell  
Payne  
Pence  
Perlmutter  
Perry  
Peters  
Peterson  
Phillips  
Pingree  
Plaskett  
Pocan  
Porter  
Pressley  
Price (NC)  
Quigley  
Raskin  
Reed  
Reschenthaler  
Rice (NY)  
Richmond  
Rigglesman  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rogers (KY)  
Rose, John W.  
Rouzer  
Roy  
Rutherford  
Scalise  
Scott, Austin  
Sensenbrenner  
Shimkus  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smucker  
Spano  
Staubert  
Stefanik  
Steil  
Steube  
Stewart  
Stivers  
Taylor  
Thompson (PA)  
Thornberry  
Timmons  
Tipton  
Turner  
Upton  
Veasey  
Vela  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Watkins  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Wright  
Yoho  
Young  
Zeldin

Rouda Smith (NJ)  
 Rouzer Smith (WA)  
 Roybal-Allard Smucker  
 Ruiz Soto  
 Ruppertsberger Spanberger  
 Rush Spano  
 Rutherford Speier  
 Ryan Stanton  
 Sablan Stauber  
 San Nicolas Stefanik  
 Sánchez Steil  
 Sarbanes Stevens  
 Scalise Stewart  
 Scanlon Stivers  
 Schakowsky Suozzi  
 Schiff Swalwell (CA)  
 Schneider Takano  
 Schrader Thompson (CA)  
 Schrier Thompson (MS)  
 Schweikert Thompson (PA)  
 Scott (VA) Thornberry  
 Scott, David Timmons  
 Sensenbrenner Tipton  
 Serrano Titus  
 Sewell (AL) Tlaib  
 Shalala Tonko  
 Sherman Torres (CA)  
 Sherrill Torres Small  
 Shimkus (NM)  
 Simpson Trahan  
 Sires Trone  
 Slotkin Turner  
 Smith (MO) Underwood  
 Smith (NE) Upton

## NOES—52

Abraham Ferguson  
 Allen Gaetz  
 Amash Gohmert  
 Arrington Gooden  
 Biggs Gosar  
 Bishop (UT) Graves (GA)  
 Brooks (AL) Green (TN)  
 Buck Grothman  
 Bucshon Harris  
 Burgess Hern, Kevin  
 Byrne Hice (GA)  
 Carter (GA) Johnson (LA)  
 Chabot Johnson (OH)  
 Cline King (IA)  
 Cloud Loudermilk  
 Davidson (OH) Marchant  
 Duffy Massie  
 Duncan McClintock

## NOT VOTING—4

Curtis Herrera Beutler  
 Hastings Radewagen

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1426

Mr. BURCHETT changed his vote  
 from “no” to “aye.”

So the en bloc amendments were  
 agreed to.

The result of the vote was announced  
 as above recorded.

## AMENDMENT NO. 89 OFFERED BY MR. MULLIN

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Oklahoma (Mr.  
 MULLIN) on which further proceedings  
 were postponed and on which the noes  
 prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 186, noes 248,  
 not voting 4, as follows:

[Roll No. 362]

## AYES—186

Abraham Granger  
 Aderholt Graves (GA)  
 Allen Graves (LA)  
 Amash Graves (MO)  
 Armstrong Green (TN)  
 Arrington Griffith  
 Babin Grothman  
 Baird Guest  
 Balderson Guthrie  
 Banks Hagedorn  
 Barr Harris  
 Biggs Hartzler  
 Bilirakis Hern, Kevin  
 Bishop (UT) Hice (GA)  
 Bost Higgins (LA)  
 Brady Hill (AR)  
 Brooks (AL) Holding  
 Brooks (IN) Hollingsworth  
 Buchanan Hudson  
 Buck Huizenga  
 Bucshon Hunter  
 Budd Hurd (TX)  
 Burchett Johnson (LA)  
 Burgess Johnson (OH)  
 Byrne Johnson (SD)  
 Calvert Jordan  
 Carter (GA) Joyce (OH)  
 Carter (TX) Joyce (PA)  
 Chabot Katko  
 Cheney Keller  
 Cline Kelly (MS)  
 Cloud Kelly (PA)  
 Cole King (IA)  
 Collins (GA) King (NY)  
 Collins (NY) Kinzinger  
 Comer Kustoff (TN)  
 Conaway LaHood  
 Cook LaMalfa  
 Crawford Lamborn  
 Crenshaw Latta  
 Davidson (OH) Lesko  
 Davis, Rodney Long  
 DeJarlais Loudermilk  
 Diaz-Balart Lucas  
 Duffy Luetkemeyer  
 Duncan Marchant  
 Dunn Marshall  
 Emmer Massie  
 Estes Mast  
 Ferguson McCarthy  
 Fleischmann McCaul  
 Flores McClintock  
 Foxx (NC) McKinley  
 Fulcher Meadows  
 Gallagher Meuser  
 Gianforte Miller  
 Gibbs Mitchell  
 Gohmert Moolenaar  
 Gonzalez (OH) Mooney (WV)  
 González-Colón Mullin  
 (PR) Newhouse  
 Gooden Norman  
 Gosar Nunes

## NOES—248

Adams Chu, Judy  
 Aguilar Cicilline  
 Alired Cisneros  
 Amodei Clark (MA)  
 Axne Clarke (NY)  
 Bacon Clay  
 Barragán Cleaver  
 Bass Clyburn  
 Beatty Cohen  
 Bera Connolly  
 Bergman Cooper  
 Beyer Correa  
 Bishop (GA) Costa  
 Blumenauer Courtney  
 Blunt Rochester Cox (CA)  
 Bonamici Craig  
 Boyle, Brendan Crist  
 F. Crow  
 Brindisi Cuellar  
 Brown (MD) Cummings  
 Brownley (CA) Cunningham  
 Bustos Davids (KS)  
 Butterfield Davis (CA)  
 Carbajal Davis, Danny K.  
 Cárdenas Dean  
 Carson (IN) DeFazio  
 Cartwright DeGette  
 Case DeLauro  
 Casten (IL) DelBene  
 Castor (FL) Delgado  
 Castro (TX) Demings

Harder (CA) DeSaulnier  
 Hayes Deutch  
 Heck Dingell  
 Higgins (NY) Doggett  
 Hill (CA) Doyle, Michael  
 Himes F.  
 Horn, Kendra S. Engel  
 Horsford Escobar  
 Houlihan Eshoo  
 Hoyer Espallat  
 Huffman Evans  
 Jackson Lee Finkenaier  
 Jayapal Fitzpatrick  
 Jeffries Fletcher  
 Johnson (GA) Fortenberry  
 Johnson (TX) Foster  
 Kaptur Frankel  
 Keating Fudge  
 Kelly (IL) Gabbard  
 Kennedy Galtz  
 Khanna Gallego  
 Kildee Garamendi  
 Kilmer Garcia (IL)  
 Kim Pappas  
 Kind Pascarell  
 Kirkpatrick Payne  
 Krishnamoorthi Kuster (NH)  
 Kustoff Peters  
 Langevin Peterson  
 Larsen (WA) Phillips  
 Larson (CT) Pingree  
 Lawrence Plaskett  
 Lawson (FL) Pocan  
 Lee (CA) Porter  
 Lee (NV) Pressley  
 Levin (CA) Price (NC)  
 Levin (MI) Quigley  
 Lewis Raskin  
 Lieu, Ted Reed  
 Lipinski Rice (NY)  
 Loeb sack Richmond  
 Lofgren Rooney (FL)  
 Lowenthal Rose (NY)  
 Lowey Rouda  
 Luján Roybal-Allard  
 Luria Ruiz  
 Lynch Ruppertsberger  
 Malinowski Rush  
 Maloney, Ryan  
 Carolyn B. Sablan  
 Maloney, Sean San Nicolas  
 Matsui Sánchez  
 McAdams Sarbanes

## NOT VOTING—4

Curtis Herrera Beutler  
 Hastings Radewagen

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1430

Mr. CUMMINGS changed his vote  
 from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced  
 as above recorded.

## AMENDMENT NO. 90 OFFERED BY MR. HUFFMAN

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from California (Mr.  
 HUFFMAN) on which further pro-  
 ceedings were postponed and on which  
 the ayes prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 233, noes 201,  
 not voting 4, as follows:

[Roll No. 363]

## AYES—233

Adams Gottheimer Pappas  
 Aguilar Green (TX) Pasorell  
 Barragán Grijalva Payne  
 Bass Haaland Perlmutter  
 Beatty Harder (CA) Peters  
 Bera Hayes Phillips  
 Beyer Heck Pingree  
 Bishop (GA) Higgins (NY) Plaskett  
 Blumenauer Hill (CA) Pocan  
 Blunt Rochester Himes  
 Bonamici Horn, Kendra S. Porter  
 Boyle, Brendan Horsford Pressley  
 F. Houlihan Price (NC)  
 Brindisi Hoyer Quigley  
 Brown (MD) Huffman Raskin  
 Brownley (CA) Jackson Lee Rice (NY)  
 Bustos Jayapal Richmond  
 Butterfield Jeffries Rooney (FL)  
 Carbajal Johnson (GA) Rose (NY)  
 Cárdenas Johnson (TX) Rouda  
 Carson (IN) Kaptur Roybal-Allard  
 Cartwright Keating Ruiz  
 Case Kelly (IL) Ruppertsberger  
 Casten (IL) Kennedy Rush  
 Castor (FL) Khanna Ryan  
 Castro (TX) Kildeer Sablan  
 Chu, Judy Kilmer San Nicolas  
 Cicilline Kim Sánchez  
 Cisneros Kind Sarbanes  
 Clark (MA) Kirkpatrick Scanlon  
 Clarke (NY) Krishnamoorthi Schakowsky  
 Clay Kuster (NH) Schiff  
 Cleaver Langevin Schneider  
 Clyburn Larsen (WA) Schrader  
 Cohen Larson (CT) Schrier  
 Connolly Lawrence Scott (VA)  
 Cooper Lawson (FL) Scott, David  
 Correa Lee (CA) Serrano  
 Courtney Lee (NV) Sewell (AL)  
 Cox (CA) Levin (CA) Shalala  
 Craig Levin (MI) Sherman  
 Crist Lewis Sherrill  
 Crow Lieu, Ted Sires  
 Cummings Lipinski Slotkin  
 Cunningham Loeb sack Smith (WA)  
 Davids (KS) Lofgren Soto  
 Davis (CA) Lowenthal Spanberger  
 Davis, Danny K. Lowey Speier  
 Dean Luján Stanton  
 DeFazio Luria Stevens  
 DeGette Lynch Suozzi  
 DeLauro Malinowski Swallow (CA)  
 DelBene Maloney, Carolyn B. Takano  
 Delgado Carolyn B. Thompson (CA)  
 Demings Maloney, Sean Thompson (MS)  
 DeSaulnier Matsui Titus  
 Deutch McAdams Tlaib  
 Dingell McBeth Tonko  
 Doggett McCollum Torres (CA)  
 Doyle, Michael McEachin Torres Small  
 F. McGovern (NM)  
 Dunn McNeerney Trahan  
 Engel Meeks Trone  
 Escobar Meng Underwood  
 Eshoo Moore Van Drew  
 Espallat Morelle Vargas  
 Evans Moulton Veasey  
 Finkenauer Mucarsel-Powell Vela  
 Fitzpatrick Murphy Velázquez  
 Foster Nadler Visclosky  
 Frankel Napolitano Wasserman  
 Fudge Neal Schultz  
 Gabbard Neguse Waters  
 Gallego Norcross Watson Coleman  
 Garamendi Norton Welch  
 García (IL) O'Halloran Wexton  
 García (TX) Ocasio-Cortez Wild  
 Golden Omar Wilson (FL)  
 Gomez Pallone Yarmuth  
 Gonzalez (TX) Panetta

## NOES—201

Abraham Barr Burgess  
 Aderholt Bergman Byrne  
 Allen Biggs Calvert  
 Allred Bilirakis Carter (GA)  
 Amash Bishop (UT) Carter (TX)  
 Amodei Bost Chabot  
 Armstrong Brady Cheney  
 Arrington Brooks (AL) Cline  
 Axne Brooks (IN) Cloud  
 Babin Buchanan Cole  
 Bacon Buck Collins (GA)  
 Baird Bucshon Collins (NY)  
 Balderson Budd Comer  
 Banks Burchett Conaway

Cook Johnson (SD) Rodgers (WA)  
 Costa Jordan Roe, David P.  
 Crawford Joyce (OH) Rogers (AL)  
 Crenshaw Joyce (PA) Rogers (KY)  
 Cuellar Katko Rose, John W.  
 Davidson (OH) Keller Rouzer  
 Davis, Rodney Kelly (MS) Roy  
 DesJarlais Kelly (PA) Rutherford  
 Diaz-Balart King (IA) Scalise  
 Duffy King (NY) Schweikert  
 Duncan Kinzinger Scott, Austin  
 Emmer Kustoff (TN) Sensenbrenner  
 Estes LaHood Shimkus  
 Ferguson LaMalfa Simpson  
 Fleischmann Lamb Smith (MO)  
 Fletcher Lamborn Smith (NE)  
 Flores Latta Smith (NJ)  
 Fortenberry Lesko Smucker  
 Fox (NC) Long Spano  
 Fulcher Loudermilk Stauber  
 Gaetz Lucas Stefanik  
 Gallagher Luetkemeyer Steil  
 Gianforte Marchant Steube  
 Gibbs Marshall Stewart  
 Gohmert Massie Stivers  
 Gonzalez (OH) Mast Taylor  
 González-Colón McCarthy Thompson (PA)  
 (PR) McCaul Thornberry  
 Gooden McClintock Timmons  
 Gosar McHenry Tipton  
 Granger McKinley Tipton  
 Graves (GA) Meadows Turner  
 Graves (LA) Meuser Upton  
 Graves (MO) Miller Wagner  
 Green (TN) Mitchell Walberg  
 Griffith Moolenaar Walden  
 Grothman Mooney (WV) Walker  
 Guest Mullin Walorski  
 Guthrie Newhouse Waltz  
 Hagedorn Norman Watkins  
 Harris Nunes Weber (TX)  
 Hartzler Olson Webster (FL)  
 Hern, Kevin Palazzo Wenstrup  
 Hice (GA) Palmer Westerman  
 Higgins (LA) Pence Williams  
 Hill (AR) Perry Wilson (SC)  
 Holding Peterson Wittman  
 Hollingsworth Posey Woodall  
 Hudson Reed Womack  
 Huizenga Ratcliffe Wright  
 Hunter Reschenthaler Yoho  
 Hurd (TX) Rice (SC) Young  
 Johnson (LA) Riggelman Zeldin  
 Johnson (OH) Roby

## NOT VOTING—4

Curtis Herrera Beutler  
 Hastings Radewagen

ANNOUNCEMENT BY THE ACTING CHAIR  
 The Acting CHAIR (during the vote).  
 There is 1 minute remaining.

□ 1435

So the amendment was agreed to.  
 The result of the vote was announced  
 as above recorded.

AMENDMENT NO. 91 OFFERED BY MR. GRAVES OF  
 LOUISIANA

The Acting CHAIR. The unfinished  
 business is the demand for a recorded  
 vote on the amendment offered by the  
 gentleman from Louisiana (Mr.  
 GRAVES) on which further proceedings  
 were postponed and on which the noes  
 prevailed by voice vote.

The Clerk will redesignate the  
 amendment.

The Clerk redesignated the amend-  
 ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
 has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
 minute vote.

The vote was taken by electronic de-  
 vice, and there were—ayes 162, noes 269,  
 answered “present” 1, not voting 6, as  
 follows:

[Roll No. 364]

## AYES—162

Abraham Graves (GA) Mullin  
 Allen Graves (LA) Norman  
 Armstrong Graves (MO) Nunes  
 Babin Green (TN) Olson  
 Balderson Griffith Palazzo  
 Banks Grothman Palmer  
 Barr Guest Pence  
 Bergman Guthrie Perry  
 Biggs Hagedorn Peterson  
 Bost Harris Plaskett  
 Brooks (AL) Hern, Kevin Porter  
 Brooks (IN) Hice (GA) Ratcliffe  
 Buchanan Higgins (LA) Reed  
 Buck Hill (AR) Reschenthaler  
 Budd Hollingsworth Rice (SC)  
 Burchett Hudson Richmond  
 Burgess Huffman Riggelman  
 Byrne Huizenga Rogers (AL)  
 Carter (GA) Hunter Scalise  
 Chabot Johnson (LA) Schweikert  
 Cheney Johnson (OH) Scott, Austin  
 Cline Johnson (SD) Shimkus  
 Cloud Jordan Smith (MO)  
 Cole Joyce (PA) Smith (NE)  
 Collins (GA) Katko Smucker  
 Collins (NY) Keller Spanberger  
 Comer Kelly (MS) Spano  
 Conaway King (IA) Stauber  
 Cook Kinzinger Stefanik  
 Costa Kustoff (TN) Steil  
 Cox (CA) LaHood Steube  
 Crawford LaMalfa Stewart  
 Crenshaw Lamborn Stivers  
 Davidson (OH) Latta Taylor  
 Davis, Rodney Lesko Thompson (PA)  
 DesJarlais Long Thornberry  
 Duffy Loudermilk Timmons  
 Duncan Lowenthal Tipton  
 Dunn Lucas Turner  
 Emmer Luetkemeyer Vela  
 Estes Maloney, Sean Wagner  
 Ferguson Marshall Walker  
 Fletcher Massie Waltz  
 Flores Mast Watkins  
 Fortenberry McCarthy Weber (TX)  
 Fox (NC) McCaul Wenstrup  
 Fulcher McClintock Westerman  
 Gaetz McHenry Williams  
 Gianforte McKinley Wilson (SC)  
 Gibbs Meuser Wittman  
 Gohmert Miller Womack  
 Gonzalez (OH) Mitchell Woodall  
 Gooden Moolenaar Wright  
 Gosar Mooney (WV) Yoho

## NOES—269

Chu, Judy Evans  
 Aderholt Finkenauer  
 Aguilar Fitzpatrick  
 Allred Fleischmann  
 Amash Foster  
 Amodei Frankel  
 Arrington Fudge  
 Axne Gabbard  
 Bacon Gallagher  
 Baird Gallego  
 Barragán Cooper  
 Bass Correa  
 Beatty Courtney  
 Bera Craig  
 Beyer Crist  
 Bilirakis Crow  
 Bishop (GA) Cuellar  
 Bishop (UT) Cummings  
 Blumenauer Cunningham  
 Blunt Rochester Davids (KS)  
 Bonamici Davis (CA)  
 Boyle, Brendan Davis, Danny K.  
 F. Dean  
 Brady DeFazio  
 Brindisi DeGette  
 Brown (MD) DeLauro  
 Brownley (CA) DelBene  
 Bucshon Delgado  
 Bustos Demings  
 Butterfield DeSaulnier  
 Calvert Deutch  
 Carbajal Diaz-Balart  
 Cárdenas Cárdenas  
 Carson (IN) Golden  
 Carter (TX) Gomez  
 Cartwright Doyle, Michael  
 Case F. Foster  
 Casten (IL) Engel  
 Castor (FL) Escobar  
 Castro (TX) Espallat Eshoo

Joyce (OH)  
Kaptur  
Keating  
Kelly (IL)  
Kelly (PA)  
Kennedy  
Khanna  
Kildee  
Kilmer  
Kim  
Kind  
King (NY)  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Loeb sack  
Lofgren  
Lowey  
Luján  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Marchant  
Matsui  
McAdams  
McBath  
McCollum  
McEachin  
McGovern  
McNerney  
Meeks  
Meng  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy  
Nadler

Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norton  
O'Halleran  
Ocasio-Cortez  
Omar  
Pallone  
Panetta  
Pappas  
Pascarell  
Payne  
Perlmutter  
Peters  
Phillips  
Pingree  
Pocan  
Posey  
Pressley  
Price (NC)  
Quigley  
Raskin  
Rice (NY)  
Roby  
Rodgers (WA)  
Roe, David P.  
Rogers (KY)  
Rooney (FL)  
Rose (NY)  
Rose, John W.  
Rouda  
Rouzer  
Roy  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Rutherford  
Ryan  
Sablan  
San Nicolas  
Sánchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schrier  
Scott (VA)

Scott, David  
Sensenbrenner  
Serrano  
Sewell (AL)  
Shalala  
Sherman  
Sherrill  
Simpson  
Sires  
Slotkin  
Smith (NJ)  
Smith (WA)  
Soto  
Speier  
Stanton  
Stevens  
Suozzi  
Swailwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
(NM)  
Trahan  
Rogers (KY)  
Trone  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Velázquez  
Visclosky  
Walberg  
Walden  
Walorski  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Webster (FL)  
Welch  
Wexton  
Wild  
Wilson (FL)  
Yarmuth  
Young  
Zeldin

## ANSWERED "PRESENT"—1

Lipinski

## NOT VOTING—6

Curtis  
Hartzer

Hastings  
Herrera Beutler

Meadows  
Radewagen

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).  
There is 1 minute remaining.

□ 1439

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated for:

Mr. ROY. Mr. Chair, on rollcall No. 364, I  
mistakenly voted "no" when I intended to vote  
"yes".

AMENDMENT NO. 97 OFFERED BY MR. BANKS

The Acting CHAIR. The unfinished  
business is the demand for a recorded  
vote on the amendment offered by the  
gentleman from Indiana (Mr. BANKS)  
on which further proceedings were  
postponed and on which the noes pre-  
vailed by voice vote.

The Clerk will redesignate the  
amendment.

The Clerk redesignated the amend-  
ment.

## RECORDED VOTE

The Acting CHAIR. A recorded vote  
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-  
minute vote.

The vote was taken by electronic de-  
vice, and there were—ayes 132, noes 302,  
not voting 4, as follows:

[Roll No. 365]

## AYES—132

Abraham  
Aderholt  
Allen  
Amash  
Arrington  
Bacon  
Balderson  
Banks  
Barr  
Bergman  
Biggs  
Bilirakis  
Brady  
Brooks (AL)  
Brooks (IN)  
Buck  
Bucshon  
Budd  
Burchett  
Burgess  
Byrne  
Carter (GA)  
Chabot  
Cline  
Cloud  
Collins (GA)  
Comer  
Conaway  
Cook  
Crawford  
Davidson (OH)  
DesJarlais  
Duncan  
Dunn  
Emmer  
Estes  
Ferguson  
Flores  
Foxy (NC)  
Fulcher  
Gaetz  
Gianforte  
Gibbs  
Gohmert

Gooden  
Gosar  
Graves (GA)  
Green (TN)  
Griffith  
Grothman  
Guest  
Guthrie  
Hagedorn  
Harris  
Hartzler  
Hern, Kevin  
Hice (GA)  
Higgins (LA)  
Holding  
Hudson  
Huizenga  
Hunter  
Johnson (LA)  
Johnson (OH)  
Johnson (SD)  
Jordan  
Joyce (PA)  
Keller  
Kelly (MS)  
Kelly (PA)  
King (IA)  
Kustoff (TN)  
LaHood  
LaMalfa  
Lamborn  
Latta  
Lesko  
Long  
Loudermilk  
Massie  
McClintock  
McHenry  
Meadows  
Meuser  
Miller  
Moolenaar  
Mooney (WV)  
Mullin

Norman  
Nunes  
Palazzo  
Palmer  
Pence  
Perry  
Posey  
Ratcliffe  
Rice (SC)  
Riggleman  
Rodgers (WA)  
Roe, David P.  
Rogers (AL)  
Rose (NY)  
Rose, John W.  
Rouzer  
Roy  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Shimkus  
Smith (MO)  
Smith (NE)  
Smucker  
Spano  
Steil  
Steube  
Stewart  
Taylor  
Timmons  
Wagner  
Walker  
Walorski  
Waltz  
Watkins  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wittman  
Woodall  
Wright  
Yoho

## NOES—302

Adams  
Aguilar  
Allred  
Amodei  
Armstrong  
Axne  
Babin  
Baird  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Bishop (UT)  
Blumenauer  
Blunt Rochester  
Bonamici  
Bost  
Boyle, Brendan  
F.  
Brindisi  
Brown (MD)  
Brownley (CA)  
Buchanan  
Bustos  
Butterfield  
Calvert  
Carbajal  
Cárdenas  
Carson (IN)  
Carter (TX)  
Cartwright  
Case  
Casten (IL)  
Castor (FL)  
Castro (TX)  
Cheney  
Chu, Judy  
Cicilline  
Cisneros  
Clark (MA)  
Clarke (NY)  
Clay  
Cleaver  
Clyburn

Cohen  
Cole  
Collins (NY)  
Connolly  
Cooper  
Correa  
Costa  
Courtney  
Cox (CA)  
Craig  
Crenshaw  
Crist  
Crow  
Cuellar  
Cummings  
Cunningham  
Davids (KS)  
Davis (CA)  
Davis, Danny K.  
Davis, Rodney  
Dean  
DeFazio  
DeGette  
DeLauro  
DelBene  
Delgado  
Demings  
DeSaulnier  
Deutch  
Diaz-Balart  
Dingell  
Doggett  
Doyle, Michael  
F.  
Duffy  
Engel  
Escobar  
Eshoo  
Español  
Evans  
Finkenauer  
Fitzpatrick  
Fleischmann  
Fletcher  
Fortenberry  
Foster

Frankel  
Fudge  
Gabbard  
Gallagher  
Gallego  
Garamendi  
Garcia (IL)  
Garcia (TX)  
Golden  
Gomez  
Gonzalez (OH)  
Gonzalez (TX)  
González-Colón  
(PR)  
Gottheimer  
Granger  
Graves (LA)  
Graves (MO)  
Green (TX)  
Grijalva  
Haaland  
Harder (CA)  
Hayes  
Heck  
Higgins (NY)  
Hill (AR)  
Hill (CA)  
Himes  
Hollingsworth  
Horn, Kendra S.  
Horsford  
Houlahan  
Hoyer  
Huffman  
Hurd (TX)  
Jackson Lee  
Jayapal  
Jeffries  
Johnson (GA)  
Johnson (TX)  
Joyce (OH)  
Kaptur  
Katko  
Keating  
Kelly (IL)  
Kennedy

Khanna  
Kildee  
Kilmer  
Kim  
Kind  
King (NY)  
Kinzinger  
Kirkpatrick  
Krishnamoorthi  
Kuster (NH)  
Lamb  
Langevin  
Larsen (WA)  
Larson (CT)  
Lawrence  
Lawson (FL)  
Lee (CA)  
Lee (NV)  
Levin (CA)  
Levin (MI)  
Lewis  
Lieu, Ted  
Lipinski  
Loeb sack  
Lofgren  
Lowey  
Lucas  
Luetkemeyer  
Luján  
Luria  
Lynch  
Malinowski  
Maloney,  
Carolyn B.  
Marchant  
Marshall  
Mast  
Matsui  
McAdams  
McBath  
McCarthy  
McCaul  
McCollum  
McEachin  
McGovern  
McKinley  
McNerney  
Meeks  
Meng  
Mitchell  
Moore  
Morelle  
Moulton  
Mucarsel-Powell  
Murphy

Nadler  
Napolitano  
Neal  
Neguse  
Newhouse  
Norcross  
Norton  
O'Halleran  
Ocasio-Cortez  
Olson  
Omar  
Pallone  
Panetta  
Pappas  
Pascarell  
Payne  
Perlmutter  
Peters  
Peterson  
Phillips  
Pingree  
Plaskett  
Pocan  
Porter  
Pressley  
Price (NC)  
Quigley  
Raskin  
Reed  
Reschenthaler  
Rice (NY)  
Richmond  
Turner  
Roby  
Rogers (KY)  
Rooney (FL)  
Rouda  
Roybal-Allard  
Ruiz  
Ruppersberger  
Rush  
Rutherford  
Ryan  
Sablan  
San Nicolas  
Sánchez  
Sarbanes  
Scanlon  
Schakowsky  
Schiff  
Schneider  
Schrader  
Schrier  
Scott (VA)  
Scott, David  
Serrano  
Sewell (AL)  
Shalala

Sherman  
Sherrill  
Simpson  
Sires  
Slotkin  
Smith (NJ)  
Smith (WA)  
Soto  
Spanberger  
Speier  
Stanton  
Stauber  
Stefanik  
Stevens  
Stivers  
Suozzi  
Swailwell (CA)  
Takano  
Thompson (CA)  
Thompson (MS)  
Thompson (PA)  
Thornberry  
Tipton  
Titus  
Tlaib  
Tonko  
Torres (CA)  
Torres Small  
(NM)  
Trahan  
Trone  
Turner  
Underwood  
Upton  
Van Drew  
Vargas  
Veasey  
Vela  
Velázquez  
Visclosky  
Walberg  
Walden  
Wasserman  
Schultz  
Waters  
Watson Coleman  
Weber (TX)  
Welch  
Wexton  
Wild  
Wilson (FL)  
Wilson (SC)  
Womack  
Yarmuth  
Young  
Zeldin

## NOT VOTING—4

Curtis  
Hastings

Herrera Beutler  
Radewagen

## ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (Mr. CLAY) (dur-  
ing the vote). There is 1 minute re-  
maining.

□ 1445

So the amendment was rejected.

The result of the vote was announced  
as above recorded.

Stated against:

Mr. ROSE of New York. Mr. Chair, during  
rollcall vote No. 365 on H.R. 2740, I mistak-  
enly recorded my vote as "yes" when I should  
have voted "no."

The Acting CHAIR. There being no  
further amendments, under the rule,  
the Committee rises.

Accordingly, the Committee rose;  
and the Speaker pro tempore (Mr. BLU-  
MENAUER) having assumed the chair,  
Mr. CLAY, Acting Chair of the Com-  
mittee of the Whole House on the state  
of the Union, reported that that Com-  
mittee, having had under consideration  
the bill (H.R. 2740) making appropri-  
ations for the Departments of Labor,  
Health and Human Services, and Edu-  
cation, and related agencies for the fis-  
cal year ending September 30, 2020, and  
for other purposes, and pursuant to



House Resolution 436, he reported the bill, as amended by House Resolution 431 and House Resolution 445, back to the House with sundry further amendments adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Pursuant to House Resolution 445, the question on adoption of the further amendments will be put en gross.

The question is on adoption of the amendments.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

#### MOTION TO RECOMMIT

Mr. WOMACK. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. WOMACK. I am in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Womack moves to recommit the bill H.R. 2740 to the Committee on Appropriations.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas is recognized for 5 minutes in support of his motion.

Mr. WOMACK. Mr. Speaker, here we are, in the people's House, charged with the responsibility of taking taxpayers' money and making sure that it is spent properly, with proper oversight. And yet, we are about to vote on a bill that is set to top-line numbers; that has not been subject to debate in this Chamber.

Let's revisit how we got here. Our friends on the other side of the aisle said they were going to do a budget, and they didn't do a budget. They couldn't produce the votes.

So then, they decided, Mr. Speaker, that they were going to do a caps agreement, and they proposed a caps agreement; and only because of a self-executing rule did they deem the numbers to which the appropriators should write the bills. No debate, none at all; just pull the numbers out of the air, put them in a self-executing rule, and that is what we will write to.

Mr. Speaker, this bill is going nowhere. It is a waste of time for the House of Representatives to have been spending on a bill that is absolutely going nowhere.

My motion sends this bill back to the committee where, hopefully, we can come to some form of agreement on a caps number.

Now, we have got a lot to worry about. At the end of this year, if we don't have an agreement, we are going to trigger a sequester that nobody wants. It could be devastating to our country.

But, instead of spending our time, Mr. Speaker, on working out an agreement among ourselves that the people expect us to do—it is our job—here we are, spending our time on late-night votes on amendments, and then, finally, to move a bill across the floor of the House that is going nowhere. We are all frustrated by it.

Last year, Mr. Speaker, I spent the better part of a year, with a number of my colleagues on this side and that side, and some from the Senate, on a process reform package, and we got close to the finish line. We didn't make all the changes that everybody wanted. We didn't have the votes for that.

And remember, the threshold for passage was five Republicans and five Democrats out of 16 people. That is a pretty high threshold in this Chamber, and we got our five Republicans to agree.

I have got to commend guys like JOHN YARMUTH and DEREK KILMER on the other side because they were yeahs, because they recognized how important changing this process was to this institution.

But four Democrats voted present; present, on a package that would fundamentally change, for the better, the budget and appropriations process that we use in the House of Representatives, in the people's House.

The people deserve better, Mr. Speaker, so it is my intent to refer this bill back to committee.

Now, it doesn't stop there with just top-line numbers. Besides the failure to write a budget; to have a debate on a caps deal; to put forth workable legislation, Democrats have also neglected the humanitarian and security crisis at our border.

Today marks 50 days since the administration request came for supplemental funds on our border. You can't deny the issues down there: 144,000 apprehensions on our southwest border last month; 4,500 people a day that we are apprehending.

We have tried 17 times to bring up legislation to address the humanitarian crisis on our border, and 17 times we have been denied; food and shelter for migrant families and unaccompanied children; funding urgent medical care and transportation; paying the growing overtime costs for DHS men and women on the front lines.

So, Mr. Speaker, my point is pretty simple. It is not cute. It is not a gotcha moment. It is not an underlying policy issue that is hard to explain. It is simply this: Let's send this bill back to the appropriators. Let's work collectively to get a caps deal so that we can save our country from us.

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

Mrs. LOWEY. Mr. Speaker, I rise in strong opposition to the Republican motion to recommit.

The SPEAKER pro tempore. The gentleman from New York is recognized for 5 minutes.

Mrs. LOWEY. Mr. Speaker, a budget is a statement of our values, and an ap-

propriations bill puts those values into action. That is why this bill invests for the people.

We have chosen to strengthen critical domestic initiatives that give every American a better chance at a better life. We have invested in a mix of defense, diplomacy, and development that will keep our country safe and restore our reputation in the world.

This MTR is a chance, it is an opportunity for Republicans to share these priorities and explain how they would do things differently. And with this MTR, the minority is giving a clear answer. They have no plan, no priorities, no idea of where we go for the good of our country.

Instead of working to strengthen our Nation, Republicans' only proposal is to slash funding that working families depend on.

Mr. Speaker, just consider the many critical activities that this MTR attacks: Head Start centers for our children; childcare assistance for families; support for students and teachers; job training for unemployed workers; resources to address the opioid epidemic; lifesaving medical research at the NIH; water infrastructure projects; energy efficiency and transformational science. All of these initiatives would be delayed, delayed, delayed.

Mr. Speaker, the minority wants to tell you that this amendment is about responsible funding levels, and that couldn't be further from the truth. So let me set the record straight.

Unless Congress acts, unworkable budget caps that snap back into place in fiscal year 2020 will cause deep cuts to both defense and nondefense spending.

This MTR would jeopardize our national security. It would slash critical services for children and families, and take our country back, back, back.

We cannot, we must not allow our country to careen off this fiscal cliff. Instead, we must raise the caps, invest for the people, bolstering our national security, addressing critical needs across our country.

House Democrats have made our position on raising the caps clear. It is time for President Trump to rein in his assistant, Mr. Mulvaney, and agree to a reasonable caps deal.

But Congress can't wait for the White House to come to its senses. If we do, we might very well have another government shutdown.

To that end, the House voted to deem funding levels that are reasonable, responsible, and allow us to move our country forward.

When Republicans were in the majority, they also deemed funding levels. Unlike ours, however, their funding levels were wildly unrealistic.

We have chosen a different path, and that is why I am so proud to support these bills which ensure that America is safe, strong, and moving forward.

This MTR sets us on a bleaker path, shutting families out of childcare, starving our schools, stopping lifesaving research, and sticking our heads in the sand on the climate crisis.

The choice is clear. Vote “no” on the MTR. Let’s invest for the people.

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. WOMACK. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, this 5-minute vote on the motion to recommit will be followed by a 5-minute vote on passage of the bill.

The vote was taken by electronic device, and there were—ayes 196, noes 231, not voting 5, as follows:

[Roll No. 366]

#### AYES—196

Abraham	Gooden	Newhouse
Aderholt	Gosar	Norman
Allen	Granger	Nunes
Amodei	Graves (GA)	Olson
Armstrong	Graves (LA)	Palazzo
Arrington	Graves (MO)	Palmer
Babin	Green (TN)	Pence
Bacon	Griffith	Perry
Baird	Grothman	Posey
Balderson	Guest	Ratcliffe
Banks	Guthrie	Reed
Barr	Hagedorn	Reschenthaler
Bergman	Harris	Rice (SC)
Biggs	Hartzler	Riggleman
Bilirakis	Hern, Kevin	Roby
Bishop (UT)	Hice (GA)	Rodgers (WA)
Bost	Higgins (LA)	Roe, David P.
Brady	Hill (AR)	Rogers (AL)
Brooks (AL)	Holding	Rogers (KY)
Brooks (IN)	Hollingsworth	Rooney (FL)
Buchanan	Hudson	Rose, John W.
Buck	Huizenga	Rouzer
Buoshon	Hunter	Roy
Budd	Hurd (TX)	Rutherford
Burchett	Johnson (LA)	Scalise
Burgess	Johnson (OH)	Schweikert
Byrne	Johnson (SD)	Scott, Austin
Calvert	Jordan	Sensenbrenner
Carter (GA)	Joyce (OH)	Shimkus
Carter (TX)	Joyce (PA)	Simpson
Chabot	Katko	Smith (MO)
Cheney	Keller	Smith (NE)
Cline	Kelly (MS)	Smith (NJ)
Cloud	Kelly (PA)	Smucker
Cole	King (IA)	Spano
Collins (GA)	King (NY)	Stauber
Collins (NY)	Kinzinger	Stefanik
Comer	Kustoff (TN)	Steil
Conaway	LaHood	Steube
Cook	LaMalfa	Stewart
Crawford	Lamborn	Stivers
Crenshaw	Latta	Taylor
Davidson (OH)	Lesko	Thompson (PA)
Davis, Rodney	Long	Thornberry
DesJarlais	Loudermilk	Timmons
Diaz-Balart	Lucas	Tipton
Duffy	Luetkemeyer	Turner
Duncan	Marchant	Upton
Dunn	Marshall	Wagner
Emmer	Massie	Walberg
Estes	Mast	Walden
Ferguson	McAdams	Walker
Fitzpatrick	McCarthy	Walorski
Fleischmann	McCaul	Waltz
Flores	McClintock	Watkins
Fortenberry	McHenry	Weber (TX)
Fox (NC)	McKinley	Webster (FL)
Fulcher	Meadows	Wenstrup
Gaetz	Meuser	Westerman
Gallagher	Miller	Williams
Gianforte	Mitchell	Wilson (SC)
Gibbs	Moolenaar	Wittman
Gohmert	Mooney (WV)	
Gonzalez (OH)	Mullin	

Womack  
Woodall

Wright  
Yoho

Young  
Zeldin

#### NOES—231

Adams	Garcia (TX)	Omar
Aguiar	Golden	Pallone
Allred	Gomez	Panetta
Amash	Gonzalez (TX)	Pappas
Axne	Gottheimer	Pascrell
Barragán	Green (TX)	Payne
Bass	Grijalva	Perlmutter
Beatty	Haaland	Peters
Bera	Harder (CA)	Peterson
Beyer	Hayes	Phillips
Bishop (GA)	Heck	Pingree
Blumenauer	Higgins (NY)	Pocan
Blunt Rochester	Hill (CA)	Porter
Bonamici	Himes	Pressley
Boyle, Brendan F.	Horn, Kendra S.	Price (NC)
Brindisi	Horsford	Quigley
Brown (MD)	Houlahan	Raskin
Brownley (CA)	Hoyer	Rice (NY)
Bustos	Huffman	Richmond
Butterfield	Jackson Lee	Rose (NY)
Carbajal	Jayapal	Rouda
Cárdenas	Jeffries	Roybal-Allard
Carson (IN)	Johnson (GA)	Ruiz
Cartwright	Johnson (TX)	Ruppersberger
Case	Kaptur	Rush
Casten (IL)	Keating	Ryan
Castor (FL)	Kelly (IL)	Sánchez
Castro (TX)	Kennedy	Sarbanes
Chu, Judy	Khanna	Scanlon
Cicilline	Kildee	Schakowsky
Cisneros	Kilmer	Schiff
Clark (MA)	Kim	Schneider
Clarke (NY)	Kind	Schrader
Clay	Krishnamoorthi	Schrier
Cleaver	Kuster (NH)	Scott (VA)
Clyburn	Lamb	Scott, David
Cohen	Langevin	Serrano
Connolly	Larsen (WA)	Sewell (AL)
Cooper	Larson (CT)	Shalala
Correa	Lawrence	Sherman
Costa	Lawson (FL)	Sherrill
Courtney	Lee (CA)	Sherrill
Cox (CA)	Lee (NV)	Sires
Craig	Levin (CA)	Slotkin
Crist	Levin (MI)	Smith (WA)
Crow	Lewis	Soto
Cuellar	Lieu, Ted	Spanberger
Cummings	Lipinski	Speier
Cunningham	Loeb sack	Stanton
Davids (KS)	Lofgren	Stevens
Davis (CA)	Lowenthal	Suozzi
Davis, Danny K.	Lowey	Swalwell (CA)
Dean	Luján	Takano
DeFazio	Luria	Thompson (CA)
DeGette	Lynch	Thompson (MS)
DeLauro	Malinowski	Titus
DelBene	Maloney,	Tonko
Delgado	Carolyn B.	Torres (CA)
Demings	Maloney, Sean	Torres Small
DeSaulnier	Matsui	(NM)
Deutch	McBath	Trahan
Dingell	McCollum	Trone
Doggett	McEachin	Underwood
Doyle, Michael F.	McGovern	Van Drew
Engel	McNerney	Vargas
Escobar	Meeks	Veasey
Eshoo	Meng	Vela
Espallat	Moore	Velázquez
Finkenauer	Morelle	Visclosky
Fletcher	Moulton	Wasserman
Foster	Mucarsel-Powell	Schultz
Frankel	Murphy	Waters
Fudge	Nadler	Watson Coleman
Gabbard	Napolitano	Welch
Gallego	Neal	Wexton
Garamendi	Neguse	Wild
Garcia (IL)	Norcross	Wilson (FL)
	O'Halloran	Yarmuth
	Ocasio-Cortez	

#### NOT VOTING—5

Curtis  
Evans  
Hastings  
Herrera Beutler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1506

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 226, nays 203, not voting 3, as follows:

[Roll No. 367]

#### YEAS—226

Adams	Garamendi	Neguse
Aguiar	Garcia (IL)	Norcross
Allred	Garcia (TX)	O'Halloran
Axne	Golden	Pallone
Barragán	Gomez	Panetta
Bass	Gonzalez (TX)	Pappas
Beatty	Gottheimer	Pascrell
Bera	Green (TX)	Payne
Beyer	Grijalva	Perlmutter
Bishop (GA)	Haaland	Peters
Blumenauer	Harder (CA)	Phillips
Blunt Rochester	Hayes	Pingree
Bonamici	Higgins (NY)	Pocan
Boyle, Brendan F.	Hill (CA)	Porter
Brindisi	Himes	Price (NC)
Brown (MD)	Horn, Kendra S.	Quigley
Brownley (CA)	Horsford	Raskin
Bustos	Houlahan	Rice (NY)
Butterfield	Hoyer	Richmond
Carbajal	Huffman	Rose (NY)
Cárdenas	Jackson Lee	Rouda
Carson (IN)	Jayapal	Roybal-Allard
Cartwright	Jeffries	Ruiz
Case	Johnson (GA)	Ruppersberger
Casten (IL)	Johnson (TX)	Rush
Castor (FL)	Kaptur	Ryan
Castro (TX)	Keating	Sánchez
Chu, Judy	Kelly (IL)	Sarbanes
Cicilline	Kennedy	Scanlon
Cisneros	Khanna	Schakowsky
Clark (MA)	Kildee	Schiff
Clarke (NY)	Kilmer	Schneider
Clay	Kim	Schrader
Cleaver	Kind	Schrier
Clyburn	Kirkpatrick	Scott (VA)
Cohen	Krishnamoorthi	Scott, David
Connolly	Kuster (NH)	Serrano
Cooper	Lamb	Sewell (AL)
Correa	Langevin	Shalala
Costa	Larsen (WA)	Sherman
Courtney	Larson (CT)	Sherrill
Cox (CA)	Lawrence	Sires
Craig	Lawson (FL)	Slotkin
Crist	Lee (CA)	Smith (WA)
Crow	Lee (NV)	Soto
Cuellar	Levin (CA)	Spanberger
Cummings	Levin (MI)	Speier
Cunningham	Lewis	Stanton
Davids (KS)	Lieu, Ted	Stevens
Davis (CA)	Lipinski	Suozzi
Davis, Danny K.	Loeb sack	Swalwell (CA)
Dean	Lofgren	Takano
DeFazio	Lowenthal	Thompson (CA)
DeGette	Lowey	Thompson (MS)
DeLauro	Luján	Titus
DelBene	Luria	Tonko
Delgado	Lynch	Torres (CA)
Demings	Malinowski	Torres Small
DeSaulnier	Maloney,	(NM)
Deutch	Carolyn B.	Trahan
Dingell	Maloney, Sean	Trone
Doggett	Matsui	Underwood
Doyle, Michael F.	McBath	Van Drew
Engel	McCollum	Vargas
Escobar	McEachin	Veasey
Eshoo	McGovern	Vela
Espallat	McNerney	Velázquez
Evans	Meeks	Visclosky
Finkenauer	Meng	Wasserman
Fletcher	Moore	Schultz
Foster	Morelle	Waters
Frankel	Moulton	Watson Coleman
Fudge	Mucarsel-Powell	Welch
Gabbard	Murphy	Wexton
Gallego	Nadler	Wild
	Napolitano	Wilson (FL)
	Neal	Yarmuth

#### NAYS—203

Abraham	Babin	Biggs
Aderholt	Bacon	Bilirakis
Allen	Baird	Bishop (UT)
Amash	Balderson	Bost
Amodei	Barr	Brady
Armstrong	Bergman	Brooks (AL)
Arrington		Brooks (IN)

Buchanan	Higgins (LA)	Ratcliffe
Buck	Hill (AR)	Reed
Bucshon	Holding	Reschenthaler
Budd	Hollingsworth	Rice (SC)
Burchett	Hudson	Riggleman
Burgess	Huizenga	Roby
Byrne	Hunter	Rodgers (WA)
Calvert	Hurd (TX)	Roe, David P.
Carter (GA)	Johnson (LA)	Rogers (AL)
Carter (TX)	Johnson (OH)	Rogers (KY)
Chabot	Johnson (SD)	Rooney (FL)
Cheney	Jordan	Rose, John W.
Cline	Joyce (OH)	Rouzer
Cloud	Joyce (PA)	Roy
Cole	Katko	Rutherford
Collins (GA)	Keller	Scalise
Collins (NY)	Kelly (MS)	Schweikert
Comer	Kelly (PA)	Scott, Austin
Conaway	King (IA)	Sensenbrenner
Cook	King (NY)	Shimkus
Crawford	Kinzinger	Simpson
Crenshaw	Kustoff (TN)	Smith (MO)
Davidson (OH)	LaHood	Smith (NE)
Davis, Rodney	LaMalfa	Smith (NJ)
DesJarlais	Lamborn	Smucker
Diaz-Balart	Latta	Spano
Duffy	Lesko	Staubert
Duncan	Long	Stefanik
Dunn	Loudermilk	Steil
Emmer	Lucas	Steube
Estes	Luetkemeyer	Stewart
Ferguson	Marchant	Stivers
Fitzpatrick	Marshall	Taylor
Fleischmann	Massie	Thompson (PA)
Flores	Mast	Thornberry
Fortenberry	McAdams	Timmons
Fox (NC)	McCarthy	Tipton
Fulcher	McCaul	Tlaib
Gaetz	McClintock	Turner
Gallagher	McHenry	Upton
Gianforte	McKinley	Wagner
Gibbs	Meadows	Walberg
Gohmert	Meuser	Walden
Gonzalez (OH)	Miller	Walker
Gooden	Mitchell	Walorski
Gosar	Moolenaar	Waltz
Granger	Mooney (WV)	Watkins
Graves (GA)	Mullin	Weber (TX)
Graves (LA)	Newhouse	Webster (FL)
Graves (MO)	Norman	Wenstrup
Green (TN)	Nunes	Westerman
Griffith	Ocasio-Cortez	Williams
Grothman	Olson	Wilson (SC)
Guest	Omar	Wittman
Guthrie	Palazzo	Womack
Hagedorn	Palmer	Woodall
Harris	Pence	Wright
Hartzler	Perry	Yoho
Heck	Peterson	Young
Hern, Kevin	Posey	Zeldin
Hice (GA)	Pressley	

## NOT VOTING—3

Curtis	Hastings	Herrera Beutler
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## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1534

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

# AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2740, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent, in the engrossment of H.R. 2740, the Clerk be authorized to make technical and conforming changes to reflect the actions of the House.

The SPEAKER pro tempore (Mr. VEASEY). Is there objection to the request of the gentlewoman from New York?

There was no objection.

## COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

## GENERAL LEAVE

Mrs. LOWEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 3055.

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

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 445 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 3055.

The Chair appoints the gentleman from Oregon (Mr. BLUMENAUER) to preside over the Committee of the Whole.

□ 1537

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes, with Mr. BLUMENAUER in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. Pursuant to the rule, the bill is considered read the first time. General debate shall be confined to the bill and shall not exceed 1 hour equally divided and controlled by the chair and ranking minority members of the Committee on Appropriations.

The gentlewoman from New York (Mrs. LOWEY) and the gentlewoman from Texas (Ms. GRANGER) each will control 30 minutes.

The Chair recognizes the gentlewoman from New York.

Mrs. LOWEY. Mr. Chair, I yield myself such time as I may consume.

Mr. Chair, today we continue investing for the people with H.R. 3055, consisting of five fiscal year 2020 appropriations bills that offer a brighter future for American families and make American communities safer and stronger.

This legislation invests in America's infrastructure. It would provide billions for the roads, highways, and transit systems of tomorrow. It would strengthen and modernize public housing. It would expand programs that ensure every community has clean and safe drinking water, and it would help bring the promise of broadband to more rural communities.

This legislation would protect our environment and tackle the climate

change crisis. It rejects misguided cuts to the EPA and would expand climate research. And it would prioritize resilience to the effects of climate change in key Federal programs.

Finally, among many priorities, this legislation would strengthen our democracy. Strong funding increases would enable a thorough and accurate 2020 Census, improve civil rights enforcement, and help protect voting rights.

This legislation is the product of hard work and input from Members on both sides of the aisle. I am very proud of our talented Appropriations subcommittee chairs and our outstanding staff, and I look forward to discussing more about what this package does for the people.

Mr. Chair, I urge my colleagues to join me in support of this legislation, and I reserve the balance of my time.

Ms. GRANGER. Mr. Chairman, I yield myself such time as I may consume, and I rise today in opposition to H.R. 3055.

Unfortunately, this appropriations bill and the bill that just passed the House are written to an unrealistic top-line funding number, \$176 billion above the current budget caps.

We still do not have a consensus on a budget agreement for fiscal year 2020, which could lead to sequestration, resulting in devastating cuts to our military.

Moving this second appropriations package today as is is another wasted opportunity. The funding levels are far from what the President has requested and will support. Total discretionary funding in this bill is nearly 10 percent above the fiscal year 2019.

In addition, this package contains poison pill provisions that will likely lead to a veto and another government shutdown.

The package jeopardizes our Nation's security. Some of the most troubling provisions include: preventing funds from being used for the border wall or barriers; limiting the President's ability to respond to a national emergency; and allowing Guantanamo Bay detainees to be transferred to the United States.

The bill allows taxpayer dollars to be used to provide lawyers for migrants crossing the southern border and prohibits a question on citizenship to be added to the 2020 Census.

If this bill is enacted, industry would be burdened by more regulation. The bill allows the regulation of greenhouse gas emissions from livestock, as outlined in the Green New Deal; it supports the listing of sage-grouse under the Endangered Species Act, which would impact energy and mineral development in 11 Western States; and it includes three new regulations that would unfairly burden the trucking industry.

The bill also prohibits the administration from setting reasonable fuel efficiency standards, and the legislation attacks our Second Amendment rights

by removing the longstanding firearms-related protections.

The bill also includes new language that was not voted on in committee, which would provide backpay to certain Federal contractors who were affected by the government shutdown. This comes with a high price tag. CBO says it would cost \$1 billion to implement this provision. It is disappointing that this language is being slipped into this package.

Perhaps, even more concerning is that we are considering this bill before we address the crisis at the border. This situation is getting worse by the day, and we must take action now.

I am encouraged to hear the Senate marked up a bipartisan bill in committee this morning, and I hope we can move legislation through both Chambers and get it signed by the President very soon.

The bottom line is the priorities reflected in this bill are misguided. The bill spends too much money, and it contains partisan policy issues that will not make it into law.

□ 1545

This package falls short of what our constituents and the American people expect and deserve. I know that my colleague and friend, Chairwoman LOWEY, has worked very hard to get us to this point today and that she and her subcommittee chairs included many priorities of both Members on both sides of the aisle.

Unfortunately, on balance, these bills are partisan measures, and I cannot support them in their current form.

I look forward to working with my colleagues to pass a commonsense border security supplemental bill and a bipartisan budget agreement. Then we can turn to the work we have to do to complete the fiscal year 2020 bills. We must give the President bills he will sign into law that are at more reasonable funding levels and without controversial riders.

Mr. Chair, I strongly urge my colleagues to vote “no” on this package, and I reserve the balance of my time.

Mrs. LOWEY. Mr. Chair, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. SERRANO), the chairman of the Commerce, Justice, Science, and Related Agencies Subcommittee.

Mr. SERRANO. Mr. Chair, as the chairman of the Commerce, Justice, Science, and Related Agencies Subcommittee, I would like to talk about the fiscal year 2020 Commerce, Justice, Science bill, which is contained in division A of the minibuss.

The budget proposed by the Trump administration for the agencies in this bill was totally inadequate. The President proposed eliminating a large number of programs that Members on both sides of the aisle strongly support.

Thankfully, with an allocation of \$73.895 billion, this subcommittee was able to address these problems and to invest in the future of our Nation.

This legislation makes significant investments in justice reform, economic development, and the science agencies. We increased funding for programs and research focused on climate change, as well as for efforts to address gun violence and to implement the 2020 Census.

Let me highlight a few issues.

In order to address the ongoing challenges faced by the Census Bureau leading up to next year’s decennial Census, this bill provides \$8.45 billion for the Census Bureau, of which more than 90 percent directly funds the 2020 Census. This amount is \$2.3 billion above the administration’s very inadequate request.

In addition, this legislation carries language that prevents funding from being used to include a citizenship question on the 2020 Census form.

This bill also rejects the administration’s proposed cuts to climate change programs. We provide over \$2 billion for NASA Earth Science, a significant increase over fiscal year 2019, as well as a 17 percent increase for NOAA climate research activities. Significant increases are also included for NOAA programs that address the impacts of climate change.

To address the epidemic of gun violence in our Nation, this bill increases funding for the Bureau of Alcohol, Tobacco, Firearms and Explosives by \$122 million over fiscal year 2019. We also provide \$80 million for grants to help improve firearms background checks and \$125 million for school safety grants authorized by the STOP School Violence Act.

To ensure our Nation’s science agencies have the resources needed to continue our leadership in research and innovation, this bill adds substantial funding to NASA, the National Science Foundation, and NIST.

The bill also includes strong funding increases for economic development activities and infrastructure improvements in hard-hit rural and urban areas—in particular, for the Economic Development Administration and the Minority Business Development Agency.

We also provide large increases for the Legal Services Corporation, the Violence Against Women Act, opioid reduction initiatives, and the First Step Act, among many others.

In sum, there is a lot in this bill that both sides support, from science to economic development to justice reform.

I thank the staff on both sides of the aisle who have worked so hard to put this bill together and to manage the amendments offered on the majority staff. I thank our clerk, Bob Bonner, as well as Jeff Ashford, B.G. Wright, Matt Smith, Shannon McCully, T.J. Lowdermilk, and Trisha Castaneda. And on the minority side, I thank Stephanie Gadbois and Kristin Richmond. I also thank, on my personal staff, Marcus Garza, Angel Nigaglioni, and Matt Alpert.

I want to take a moment to say that, as you will hear, we don’t always

agree, Mr. ADERHOLT and I, but it has been a pleasure working with him in the tradition of the Appropriations Committee, which tries to find common ground.

I know that even if he tells you that he doesn’t like the bill, there is a lot in here that he likes. So I am looking for maybe a “maybe” vote from him.

I also thank Chairwoman LOWEY and Ms. GRANGER. It has been said before, but it hasn’t been said by me, that we make history every day in this House, and what a historic moment it is that the ranking member and chairwoman are both women. That is the first time in history.

I think this is a good bill that envisions the people and priorities of this Nation, and I urge all of my colleagues to support it.

Ms. GRANGER. Mr. Chair, I yield 4 minutes to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Mr. Chair, I rise reluctantly in opposition to H.R. 3055, and but let me say that I appreciate the efforts of the majority in producing the fiscal year 2020 appropriations package that we will be considering today.

As my colleague from New York referred to, this bill does address many priorities and concerns of Members on both sides of the aisle and, certainly, those of us from the Republican side of the aisle. Mr. Chair, we do appreciate that.

I am pleased that the bill provides critical resources for our world-class space program. It funds NASA at levels necessary to work toward the completion of the Space Launch System and the Exploration Upper Stage, and it provides strong funding to continue developing deep-space exploration technologies.

This bill also includes important funding for our Federal law enforcement components and valuable support for our law enforcement partners back home. These resources will help eliminate the sexual assault kit backlog. It will support drug courts and other vital initiatives to address the opioid crisis and help put an end to human trafficking.

The Commerce, Justice, Science bill that is a part of this package is a testament to the commitment that Chairman SERRANO made to work together. As he referred to earlier, we worked very closely together. While we may not have agreed on everything that is in this bill, there was a lot that we could agree on.

Let me add that I also appreciate the majority’s attention to rural development matters when crafting the Agriculture appropriations bill. I am particularly appreciative of the continued robust funding for the rural broadband program and for what now-Chairman BISHOP and I worked on together to draft in the last Congress.

Yet, the fact that there are programs in this bill deserving strong support does not negate the need for fiscal accountability. Unfortunately, the bills

in this package have been written to an irresponsible top-line number.

The Commerce, Justice, Science bill alone, for example, includes a \$7.5 billion adjustment for the 2020 Census plus an additional \$2.3 billion above the fiscal year 2019-enacted level. It is money that the Department of Commerce says it does not need.

I stand willing to work with the majority in good faith because if we are to avoid more continuing resolutions or even a protracted government shutdown and sequestration, we need to come together in a bipartisan fashion, along with the administration, to agree on a realistic top-line funding level.

Finally, I still have many unaddressed concerns with this bill.

The bill lacks additional funding requested for NASA for the purpose of establishing a permanent U.S. space presence on and around the Moon within the next decade.

The bill also contravenes existing law by funding lawyers for the individuals who are here on our southern border without documentation.

Also, it prohibits the Justice Department from using performance metrics to measure immigration judge productivity. Let's be honest: An immigration court system with a docket approaching 900,000 cases and no appreciable case completion goal is a system devised for those who do not have a lawful right to remain in this country.

In addition, the bill eliminates several longstanding Second Amendment protections that have enjoyed historical, bipartisan support throughout the years.

The bill also prohibits the Census Bureau from including a question just merely on citizenship in the 2020 Census.

In closing, again, I thank Chairwoman LOWEY and Ranking Member GRANGER for their hard work and that of their staff. Certainly, I thank Chairman SERRANO for his dedication and hard work on behalf of the appropriations process and the United States of America.

Mrs. LOWEY. Mr. Chair, I am pleased to yield 5 minutes to the gentleman from North Carolina (Mr. PRICE), the chairman of the Transportation, and Housing and Urban Development, and Related Agencies Subcommittee.

Mr. PRICE of North Carolina. Mr. Chair, I thank our committee chair, and I am happy to rise in strong support of the section of this bill with which I have had the most to do—namely, appropriating for the Departments of Transportation and Housing and Urban Development for the next fiscal year. It will make vital investments on behalf of the American people.

I thank my partner, MARIO DIAZ-BALART, who formerly was chairman of this subcommittee, for his continuing cooperation and his collaborative approach.

Of course, I also want to express appreciation for our full committee

chair, Mrs. LOWEY, and for our ranking member, Ms. GRANGER, for their cooperative approach to the kind of collaboration that inevitably must go into these appropriations bills.

I am pleased to report also that, in serving the interests of Members of this body, we were able to accommodate 90 percent of the Member requests from both sides of the aisle.

Division E of the measure is what we are talking about, and that is the so-called T-HUD section. It seriously invests in America's infrastructure. It makes transportation and housing safer. It demonstrates our commitment to the most vulnerable among us. It mitigates and responds to the impacts of climate change.

Our bill includes \$75.8 billion in discretionary funding. That is an increase of \$4.7 billion over the 2019-enacted level and a \$17.3 billion increase above the President's totally inadequate budget request.

Mr. Chair, our Nation is in the midst of an affordable housing crisis. This bill dedicates new resources to address it. Section 8 vouchers, for example, are fully renewed. We increased funding for the HOME Program by \$500 million and provide the Community Development Block Grant program with \$300 million above last year's level. The HOME funding alone translates into more than 30,000 additional units of affordable housing.

Our renewed focus on housing and community development does not come at the expense of vital transportation programs. On the contrary, the bill includes \$1 billion for BUILD grants, formerly called TIGER grants.

We provide more than \$3 billion in additional discretionary resources above the FAST Act authorization for highways, transit, and aviation projects. This funding will benefit every State and territory in the Nation. We also robustly fund Amtrak, competitive rail grant programs, and port and maritime infrastructure.

Along with these investments, our bill reflects a renewed commitment to safety. A diverse list of hazards, including rising accident rates on our Nation's highways, the high-profile MAX 8 airline crashes, and lead and carbon monoxide hazards in federally assisted housing, requires us to redouble our efforts. We do that in this bill by providing new resources at several points to meet these problems head-on.

□ 1600

We also prioritize assistance for vulnerable populations. Nearly \$240 million is provided for construction of new housing units for the elderly and for people with disabilities. Programs serving veterans, the homeless, people with HIV/AIDS, domestic violence survivors, and youth aging out of foster care are robustly funded, including resources for new vouchers.

Critically, the bill prohibits HUD from repealing the equal access rule that protects LGBTQ people. It also

prohibits the department from moving forward with its particularly heartless proposal regarding mixed-status families in Federally assisted housing, which would result in the expulsion of tens of thousands of children whose immigration status is perfectly legal.

Finally, I am proud that this legislation lays the groundwork to fully integrate resiliency principles not only in disaster recovery but in the full range of Federal programs under the bill's jurisdiction. For example, it requires HUD grantees to consider storm and hazard mitigation as part of their planning process.

So, in closing, Mr. Chairman, this year's T-HUD bill makes forward looking investments in our housing and transportation infrastructure while ensuring concerted attention to safety, to the needs of the most vulnerable, and to resilience. This bill, I am convinced, will benefit all American communities, urban and rural, and it lays the foundation for economic growth and opportunity.

Mr. Chairman, I urge support for the legislation.

Ms. GRANGER. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Mr. Chairman, I rise in opposition to this bill at this moment. My primary concern with the bill is quite simple—an unrealistic top-line number. If we don't act soon, sequester cuts will be the law of the land. These cuts would devastate our military and, frankly, cause nothing short of a national security crisis. Sequester cuts will also cause serious harm to our key important domestic program.

Air traffic controllers could be furloughed, and vulnerable citizens could lose housing assistance, including our veterans, our elderly, and the disabled.

We must act with urgency to set a budget framework for this year. Now, I am confident that because the leadership and leaders of the Appropriations Committee—Chairwoman LOWEY and Ranking Member GRANGER—were instrumental in finally getting us out of the shutdown, they are going to be, thankfully, instrumental in this process as well, and that is good news.

But, Mr. Chairman, I am also concerned about some partisan riders included in this legislation. In the Transportation-Housing part of it, riders in the bill would, for example, harm car manufacturers and consumers. They could place unfair burdens on trucking companies. What the language would do is place unfair burdens on trucking companies—particularly the smaller ones by the way—and prevent the DOT from recovering funds from the failed California high-speed rail project, funds that have not been spent.

Now, while I have some serious concerns about these riders and grave concern about, again, this body moving forward without a top-line cap agreement, I will tell you that I am grateful and thankful for the work of my friend—and I say that genuinely—

Chairman PRICE, on the Transportation and Housing bill.

Chairman PRICE has been responsive, responsible, and has done a very, very good job listening to all Members from both sides of the aisle, and I am very grateful, Mr. Chairman.

This package certainly has some good parts in it. Let me just mention a few: ports funding, resources also for our veterans. And funding for the STOP School Violence Act, which is why we have to get the top-line number thing done now.

I would also add that the budget agreement must address the humanitarian crisis at the border. We don't have the luxury of time. The well-being of thousands of unaccompanied kids—children—is at risk while we do not act on this. Federal agencies are being forced to cope with the crisis without the resources that they are asking for and that they need. Again, we have to act now, because already their educational services, their legal services, and their recreational facilities are being curtailed or cut entirely because of not having the funds that they need, that they have asked for, and that this Congress has failed to act on. We must also provide immediate relief to those individuals.

Therefore, Mr. Chairman, I have some concerns, and I would respectfully ask for a “no” vote.

Mrs. LOWEY. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Georgia (Mr. BISHOP), who is the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee.

Mr. BISHOP of Georgia. Mr. Chairman, I thank the gentlewoman from New York, our appropriations chairman, for yielding.

Mr. Chairman, I rise in support of H.R. 3055. As the chairman of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee, I am pleased to highlight the national priorities that are funded in this bill.

First, I would like to thank our ranking member, Mr. FORTENBERRY. He shares a deep passion for rural and farm communities that he so eloquently communicates often through stories of his childhood and his family. It has been a true pleasure to get to know Mr. FORTENBERRY better during this process. We have had many frank discussions about the priorities in our bill, and he has made it very easy to continue the bipartisan spirit of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee.

I also want to thank the members of the subcommittee, both majority and minority, for a thoughtful and collaborative effort. None of this, of course, would be possible without the outstanding work of the subcommittee and full committee staffs, and our personal staffs, so I give accolades to all of them.

Few people may recognize the far-reaching jurisdiction of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee, from food safety and agriculture research to rural development and nutrition assistance. The programs in this division touch the lives of every citizen on a daily basis.

We rejected the administration's draconian cuts to programs that assist our rural communities and our vulnerable populations. The FY 2020 allocation for the agriculture bill is 4 percent above the FY 2019 enacted level and more than \$5.1 billion above the budget request, totaling \$24.3 billion.

There is over \$38 billion in loans and grants for rural housing, community facilities, and water and wastewater infrastructure, including \$680 million for broadband programs to continue bridging the digital divide between urban and rural America.

Additionally, during a time of great uncertainty due to tariffs, low commodity prices, and natural disasters, this bill provides \$1.8 billion for farm programs, including \$30 million to assist the implementation of the 2018 farm bill. It also prohibits the closure of county-level Farm Service Agency offices to ensure that our farmers, ranchers, and producers receive high quality customer service.

The bill includes \$829 million for the Natural Resources Conservation Service to maintain its core conservation mission. There is almost \$167 million for infrastructure, for watershed and flood prevention, and watershed rehabilitation projects.

The bill provides \$3.3 billion for agriculture research to ensure America retains its role as the leader of global agriculture science.

In addition, to protect the integrity of two of USDA's premier research agencies, the bill prohibits the use of funds for any relocation costs associated with USDA's proposal to move the Economic Research Service and the National Institute of Food and Agriculture outside of the national capital region.

We held a hearing at which four former senior officials from both parties with 70 years of combined experience at the two agencies expressed their deep opposition to this proposal. Countless other stakeholders wrote, called, and emailed their opposition, including the National Farmers Union, the Association of American Veterinary Colleges, the American Statistical Association, the National Coalition for Food and Agriculture Research, 104 agriculture science and food-related organizations, 24 university departments of agriculture and/or economics, 37 deans and provosts of university ag departments, and more than 1,500 individual scientists from 47 States.

The bill also rejects the proposed elimination of the Food for Peace and McGovern-Dole programs, and it pro-

vides increases for both of these programs. These programs send American commodities all over the world to address global hunger and are an essential tool for diplomacy.

The bill fully funds the SNAP and the WIC programs to meet expected participation in FY 2020. The bill provides \$10 million for school breakfast expansion grants—the first time this program has been funded since 2012—and it funds the Summer EBT program at \$50 million—a \$22 million increase.

For the Food and Drug Administration, the bill provides \$3.26 billion in discretionary funding, which is \$185 million above FY 19. Increased funding is dedicated to fighting rare cancers, laying the foundation for more efficient generic drug reviews, improving our response to foodborne illness outbreaks, and the continued implementation of the Food Safety and Modernization Act.

The Acting CHAIR (Ms. PRESSLEY). The time of the gentleman has expired.

Mrs. LOWEY. Madam Chair, I yield the gentleman an additional 30 seconds.

Mr. BISHOP of Georgia. The bill funds the Commodity Futures Trading Commission at \$315 million, a historic, necessary, and long overdue increase.

I am pleased that this bill provides funding for several new programs that were authorized in the 2018 farm bill, such as the 1890s scholarship program, the Local Agriculture Market Program, and the Farming Opportunities Training and Outreach Program, to name a few.

I am pleased to say the bill makes significant investments in both Tribal communities and the U.S. territories.

In developing the bill, we tried to be responsive to as many Member requests as possible, and I am proud of the bipartisan bill we have produced.

Madam Chair, I urge my colleagues in this House to support it. It is a good bill.

Ms. GRANGER. Madam Chair, I yield 5 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. Madam Chair, first of all, let me say how much I appreciate the counsel, guidance, and partnership of Chairman BISHOP of the Agriculture Committee, as well as Chair LOWEY and Ranking Member GRANGER, as well as the entire staff for crafting what is substantially a very important and good bill for all of America.

Agriculture is essential to America's well-being, and I want to commend, again, Chairman BISHOP not only for his earlier generous comments, but for his willingness to work hard to find a reasonable path forward to accommodate as many bipartisan requests as were feasible. Chairman BISHOP and I had a number of very lengthy and considered conversations in crafting this bill, and I am grateful for his leadership.

Before I delve into the substantial pluses and a few minuses of this bill,



Madam Chair, I want to provide a little bit of additional context of the bigger agricultural picture across America.

Where I live in Nebraska—and I am sure it is safe to say where Chairman BISHOP lives in Georgia—agriculture is essential to our way of life and essential to our culture. It really does define who we are as a people, and production agriculture—corn, soybeans, and livestock—cover much of our landscape. These products are an important driver of America's export prowess.

The efficiency, quality, and ingenuity shown by America's farmers provide food security for hundreds of millions of people across our own country and across the entire globe, many of whom are in very vulnerable circumstances. A notable point, Madam Chair, Americans also enjoy the lowest grocery prices in the world.

Agriculture, though, is more than bulk production. From the use of advanced robotics to run dairy operations to enzyme extraction from ethanol production, from the enhancement of critical wetlands, as well as improving crop yields and conservation stewardship practices, our farmers are contributing to human flourishing across our Nation. Many of the technological investments that we see today have been made possible by the types of investments that are very much a part of this agriculture bill.

I want to highlight three areas in particular. First, the bill's \$3.4 billion reflects a commitment to rural development in housing, utilities, and businesses. Of particular note, as the chairman mentioned, is broadband. Working with Chairman BISHOP, we included language to encourage the USDA to consider the broader social benefits when the department seeks applications for the \$680 million of broadband resources in this bill. It is also important that we measure the impact of broadband and how it affects the ecosystem of livability.

What do we mean by that?

It is not just more wires, but livability from enhanced telehealth, telecommuting, precision agriculture, and a multitude of other imaginative possibilities from these applications. This is what will make broadband an effective investment in our Nation's infrastructure.

Second, I am pleased to see an increase of \$185 million for the FDA, the Food and Drug Administration, with a particular emphasis on lowering the price of drugs in the generic drug program. Between investments in the year 2019 and investments in this bill, the agency will have an increase of \$27 million to help expedite the approval of safe and effective generic drugs, increased competition, and lower prices. Chairman BISHOP has also made marked investments in food safety by lessening the burden on our State health departments, and I think that is important.

Lastly, when I met the chairman in his office a couple of weeks ago, we

found common ground—as we often do—on how to grow the agricultural family.

What do we mean?

Well, this is a good example. There is \$5.4 million in this bill for farmers markets and local food promotion programs which allow smaller local producers to provide fresh products, gain a source of revenue, and connect the rural to the urban and the farmer to the family.

□ 1615

In addition to this program, the bill includes investments for a Tribal demonstration project, a pilot project for the Food Distribution Program on Indian Reservations, and, importantly, we have a new urban agricultural office.

Madam Chair, at its core, this bill is about food security. Our diverse and plentiful food supply is made possible through the hard work of our farmers and ranchers and the public policies that assist them.

We support research and development to the tune of \$3.3 billion. We support oversight of commodity markets. And, for those in vulnerable circumstances, this bill provides important funding for all USDA nutrition programs at levels that ensure all eligible participants will receive the assistance they need.

Unfortunately, as our ranking member has consistently mentioned at every opportunity, we need a bipartisan, bicameral agreement on budget caps. With a deal like that, we could quickly get into open field running.

Mrs. LOWEY. Madam Chair, I yield 5 minutes to the gentlewoman from Minnesota (Ms. McCOLLUM), the chair of the Interior, Environment, and Related Agencies Subcommittee.

Ms. McCOLLUM. Madam Chair, I rise today to speak about the fiscal year 2020 Interior, Environment, and Related Agencies appropriations bill.

First, I want to thank Chairwoman LOWEY and Ranking Member GRANGER for their leadership. I also want to thank Ranking Member JOYCE for his collaboration and partnership through this process and all the members on our committee for their contribution.

The Interior bill is a product of hard work and collaboration. The subcommittee held 16 hearings. We received 6,500 requests from Members of Congress, and we worked hard to create a bill that reflects the priorities of the entire House. As a result, we have a strong bill before us today that makes critical investments for the American people and the planet.

For fiscal year 2020, the subcommittee is recommending a total of \$37.3 billion in discretionary funding. That is an increase of \$1.7 billion over last year's enacted level.

There is also an additional \$2.25 billion in fire cap adjusted funds for suppression operations. These critical funds allow the Forest Service to fight wildland fires without borrowing from non-fire programs.

Some of the biggest increases in this bill go to honoring our Federal trust and treaty responsibilities to provide for the health, safety, and education of our Native American brothers and sisters.

Madam Chair, I want to thank Representative JOYCE for his working with me to carry on this subcommittee's nonpartisan approach to addressing the issues facing Indian Country. We can be proud that this bill continues to move us in the right direction.

In fact, the bill invests over \$10 billion to support and strengthen Indian Tribal self-determination, including \$1 billion, the highest funding ever recommended, for the operation of Native American education programs.

For many agencies in this bill, the Trump administration proposed devastating cuts that we have rejected.

The President's budget proposed a 31 percent cut to the Environmental Protection Agency. That cut would have prevented the EPA from completing its mission to keep our communities safe and healthy. On President Trump's watch, Americans know that their air quality is declining for the first time in decades.

Today, this administration rolled out their dirty power plan, which will contribute to 1,400 premature deaths, annually. Democrats are fighting back in this bill with important investments to protect the air we breathe and the water we drink.

We boost support for the EPA's clean air programs by \$25.6 million, and we increase congressional oversight of attempts to roll back public health protections.

And, finally, we fund the Drinking Water State Revolving Fund at the authorized level. We include funds for newly authorized grants to target drinking water and wastewater needs. We are working to reduce sewer overflows and ensure that all Americans have access to safe drinking water.

This bill also targets funds to address the crisis of PFAS contamination in our water supplies.

President Trump's budget also proposed radical cuts to the Land and Water Conservation Fund, even though earlier this year he signed a bipartisan bill to permanently reauthorize the program. Instead, our bill chooses to invest \$524 million in the LWCF to protect and preserve our landscapes and biodiversity.

Democrats also rejected the Trump administration cuts that would have decimated Federal funding to research, combat, and adapt to climate change. Our bill boosts funding for climate change research, tracking and reporting of greenhouse gas emissions, and energy and water efficiency programs at the EPA.

It increases ecosystems and climate-related funding in the U.S. Geological Survey, and it restores programs proposed for elimination in the Fish and Wildlife Service.

We recognize the importance of science to understand and address the

impacts of climate change on our natural and cultural resources and our ecosystems and human health.

I am proud of the work that went into this bill, so I want to thank all of our staff on both sides of the aisle, on the committee and on our personal staffs, for the countless hours they put into this bill. I thank them all for their engagement and commitment.

Now, I know Mr. JOYCE will not be supporting this bill today, Madam Chair, but I look forward to working with him in negotiating with our Senate colleagues and this administration on a final bill we can both support.

We have a good bill before us today. It makes important investments in the health of our communities and our environment, and I urge my colleagues to support it.

Ms. GRANGER. Madam Chair, I yield 5 minutes to the gentleman from Ohio (Mr. JOYCE).

Mr. JOYCE of Ohio. Madam Chair, I rise today in opposition to this appropriations bill at this time, in its current form.

Before I get into details, I want to thank my friend and colleague BETTY MCCOLLUM, the chair of the Interior, Environment, and Related Agencies Subcommittee, for her leadership. I have had the honor of serving with her as the ranking member on the subcommittee with jurisdiction over appropriations contained in division C of this bill.

Throughout the 16 hearings and briefings on the important issues under her jurisdiction, Chair MCCOLLUM has set the tone for civility, fairness, and, on many topics, bipartisanship. Foremost among those topics is the Indian Country.

Roughly one-quarter of this bill is dedicated to programs for American Indians and Alaska Natives, whose ancestors paid in advance with their lives and their land for the basic services which this bill helps to provide.

These are true have-to-do Federal programs, and they continue to be a nonpartisan priority in today's hyperpartisan environment.

In addition, I thank the chair and her capable staff for making a genuine effort to accommodate bipartisan Members' requests in this bill, as well as other requests addressing matters back in our districts that will be appreciated by our constituents, regardless of their party. In particular, for Great Lakes districts like mine, her work has been extraordinary.

However, there are several matters in this bill which concern me greatly and will need to be addressed before we can reach a bipartisan agreement. Foremost among these concerns is a proposed 5 percent overall increase for the Interior and Environment programs in the absence of any new government-wide budget agreement.

Current law mandates a 9 percent overall decrease to programs in this bill beginning October 1, 2019. Even if the bill before us today were to be en-

acted, all these programs would still be cut on that date. That is why the bill before us today is completely unrealistic and nothing short of a fairytale.

Of course, House Democratic leadership knows this already. That is why this bill contains so many Member requests: to pressure Members into voting for it and to use a strong vote count to pressure the Senate and the President to agree to more spending.

All this bill is really doing is giving supporters false hope and stealing the resolve of those of us who are truly concerned about driving our Nation further into debt.

To be clear, there are critical programs in this bill that need more funding, but decisions about increases must be made in the context of a larger budget agreement so that increases can be offset elsewhere.

The other area of this bill which concerns me is policy. This bill drops several longstanding, bipartisan policy provisions which will need to be added back before we can get to a future bipartisan agreement.

Meanwhile, this bill also adds in several new poison pill riders and directives limiting domestic energy and mineral production. Limiting our own supplies of much-needed natural resources does not decrease our demand for them. It only makes us more dependent upon other nations to obtain them in order to meet that demand, which is not only a national security concern but is also an economic security concern. We cannot protect American jobs if we cannot supply them with the energy and raw materials.

So it is for a combination of these funding and policy reasons that I cannot support this bill at this time, in its current form, but I am committed to working with my colleagues as we move through the fiscal year 2020 process to craft a bill that can receive bipartisan support and keep government operating, continue our shared commitment to Indian Country, and conserve our Nation's natural, cultural, and environmental resources that we all care so deeply about.

Until then, I strongly urge my colleagues to vote "no" on this package today.

Mrs. LOWEY. Madam Chair, I yield 5 minutes to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ), the chairwoman of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee.

Ms. WASSERMAN SCHULTZ. Madam Chair, I thank Chairwoman LOWEY for yielding and for her hard work and leadership during this entire legislative process.

The Military Construction, Veterans Affairs, and Related Agencies division of the bill highlights our continued commitment to our servicemembers and their families and to our veterans.

Constructing the barracks, bases, and facilities that our military needs and ensuring safe, adequate housing for military families is crucial to our Nation's military readiness.

Properly funding the Department of Veterans Affairs is how we deliver on the promise of medical care and other benefits that our veterans have earned through their service to our Nation.

The Related Agencies division, including the American Battle Monuments Commission and Arlington National Cemetery, demonstrate to the world how we honor the contributions and sacrifice of those who served.

That is why I am proud that this bill includes \$108.4 billion in discretionary funding, \$10.4 billion above the FY19 enacted level. For military construction, it provides \$10.5 billion; and, for the Department of Veterans Affairs, the bill provides \$94.3 billion in discretionary funding, a \$7.7 billion increase above the FY19 enacted level and \$1.3 billion above the FY20 budget request.

The bill we are considering today makes smart investments in critical projects and programs that make a real difference in the lives of servicemembers, veterans, and their families.

The bill includes an additional \$140.8 million to address housing issues that have come up recently and have really festered for far too long, like mold, vermin, and lead, that really have devastated our military families and that must be corrected. This bill ensures there are the resources and the language in our report to ensure that the military makes sure that they are not leaving our military families to deal with the fallout over this disgusting situation on their own.

It provides \$2.3 billion in emergency funding to address hurricane damage in North Carolina and my home State of Florida.

We have also put an additional \$40 million toward energy resilience at our military bases and provided an additional \$60 million to clean up PFOS and PFOA contamination at installations across the country.

For the VA, the bill will improve the quality of veterans' healthcare by making significant investments in women veterans' health.

I am proud to be the first woman in American history to chair this appropriations subcommittee, making sure that our women veterans actually know that they are veterans. And, in fact, I know it will come as a shock to most, as it was to me, that some women veterans don't even realize that, if they serve a couple of years, even if they didn't actually fight in a war zone or were deployed to a war zone, they are actually veterans, entitled to services at the VA.

Carving out, for the first time, gender-specific funding to make sure that we can provide healthcare services to our women veterans, do the proper outreach, and make sure that we bring our women veterans into the VA system and take care of them as they took care of representing our country, is essential.

The fastest rising group of veterans who are committing suicide are our women veterans, and we have to make sure that we are doing right by them.

We have a “whole health” model that we have funded, mental healthcare and suicide prevention, homelessness assistance, rural health, and, of course, opioid abuse prevention.

The bill also provides \$1 billion for infrastructure improvements to ensure that the VA has modern, safe facilities to treat our veterans, as well as supporting continued implementation of the electronic health record and efforts to reduce the disability claims backlog.

Madam Chair, I am very proud of what this bill does, but I am also proud of what it does not do.

It does not fund a border wall, nor does it allow the President to go against clearly stated congressional intent and divert vital military construction funding from previously approved national security projects.

□ 1630

There is a lot of talk, Madam Chair, about commitment to our military in this body. There should be no question that funds should not be taken from vital, previously requested and approved military projects that are absolutely a higher priority than any border wall. In fact, Congress agreed to that very point on a bipartisan basis earlier this year after the longest shutdown in our Nation's history.

I will close by thanking all of my colleagues for their input on this bill. We are very proud, Judge Carter and I, that we were able to fund in our bill nearly all the bipartisan requests that we received. It made the bill better.

Before I yield back, I do want to thank my ranking member, Judge Carter, and Ranking Member GRANGER and Chairwoman LOWEY. We worked very well together on the issues facing our military and our veterans.

While we may not always agree, I am proud to have Judge Carter as my partner. We have a lot of work left to do, and I appreciate the gentleman's insight into these issues.

I would also like to thank the staff of both the subcommittee and our personal offices whose expertise and commitment to our servicemembers and our veterans is evident every day. I won't name them because I am out of time, but they know who they are. We appreciate them so much.

Madam Chair, this is a good bill. I urge the Members' adoption of it.

Ms. GRANGER. Madam Chair, I yield 3 minutes to the gentleman from Texas (Mr. CARTER).

Mr. CARTER of Texas. Madam Chair, let me start off by saying that I thank the gentlewoman from Texas (Ms. GRANGER), our ranking member on our side. I thank the gentlewoman from New York (Mrs. LOWEY), my good friend, chair of the full committee. They are doing yeoman's work on all of these bills. They are standing strong and doing a great job, and we are proud of them.

It has been a joy to work with Chairman WASSERMAN SCHULTZ. She has

been fair and equitable and a joy to serve with. I look forward to working together to make this bill better and better as we go through the process.

I rise, reluctantly, in opposition to this bill. I have mixed feelings about this package. It includes many good things, and it funds important programs.

For example, the Military Construction and Veterans Affairs division includes \$10.5 billion to provide adequate training opportunities and modern facilities for our military. We want our military to be ready, lethal, and effective. This bill supports that.

This bill also includes \$140 million to support military families and to help the services address the problems we have heard about in the privatization of military housing.

For veterans' programs, the bill fully supports and implements the MISSION Act. It also provides for a \$30 million increase for mental health and a \$40 million increase for homeless programs. Hopefully, this will help us reduce the scourge of veteran suicide and homelessness.

These are all good things. They are things we need. I fear, however, that the majority is on a path that makes it difficult to reach an agreement before the start of the fiscal year.

October 1 is coming on and approaching very fast. We need a budget agreement for fiscal year 2020 and beyond sooner rather than later. The consequences of not having such an agreement are disruptive and immense. No one wants sequestration or a government shutdown.

Unfortunately, the budget numbers the House is operating under are not real and in no way do they reflect the reality of the situation on our southern border. This appropriations bill does not include funds to address the security and humanitarian crisis there, and it also does not include the \$4.5 billion the President requested last month.

Congress must act. I sincerely hope we are getting closer to an agreement on a supplemental funding package.

As I close, I urge all of us to keep our eyes on the goal, a bipartisan bill that supports our troops and their families and the Nation's veterans.

Madam Chair, I look forward to working with my colleagues on this as we go through the process, and I thank the ranking member of the Appropriations Committee for the time.

Ms. GRANGER. Madam Chair, I yield 1½ minutes to the gentlewoman from Alabama (Mrs. ROBY).

Mrs. ROBY. Madam Chair, I would like to use my time to raise awareness that a correctly sized and properly configured maintenance facility to support and repair F-35 aircraft coming to the 187th Fighter Wing is needed very soon at Dannelly Field in Montgomery, Alabama.

The 187th Fighter Wing was selected as a preferred location for the bed-down of the F-35, with the first aircraft to arrive in several years. Squadron op-

erations require administrative, training, and support space as part of the aircraft organizational maintenance shop.

Currently, the existing facilities that service the F-16 Red Tails squadron are inadequate. Aircraft maintenance currently resides in three temporary facilities or trailers. Much of the space designated for these functions is less than required for effective operations. The aircraft maintenance shops are 43 percent undersized, and the required tool storage is kept in aircraft parking spaces in the hangar.

I appreciate very much the committee chairwoman and ranking member's efforts to provide our men and women in uniform adequate and acceptable working spaces so they can do their jobs accurately and effectively. It is my hope that, moving forward, we will continue to work together on this particular issue through the fiscal year 2020 appropriations process.

Again, I, too, thank the chairwoman and, certainly, the ranking member for yielding me this very important time.

Ms. GRANGER. Madam Chair, I yield 3 minutes to the gentleman from North Carolina (Mr. HUDSON).

Mr. HUDSON. Madam Chair, I thank the gentlewoman for yielding. I also thank Chairwoman LOWEY and Ranking Member GRANGER for their leadership and for working with me on this important amendment.

As we experienced in April at my alma mater, UNC Charlotte, no community is immune from gun violence. The despicable violence and hatred we saw in our community have no place in our schools and our society.

When I think back to my days as a student at Myers Park High School, I remember studying humanities in Dave Layton's class, having lunch with my friends, and looking forward to Friday night football games. I don't remember feeling scared or anxious, and I don't remember worrying about my safety.

I want my son and all of America's children to have that same experience. If there is anyplace our children should feel safe, it is in our schools.

That is why I, and so many of us here in this Congress, have been working for years to address this issue and tackle the root causes of violence. I led efforts to pass the STOP School Violence Act last year. Under Republican leadership, Congress passed many bipartisan measures to prevent mass violence, including legislation to strengthen the background check system, improve mental healthcare, and give schools the tools they need to protect our students.

We have made some progress, but our work is not nearly done.

What can we do to better identify and intervene with young people in emotional crises before they reach a breaking point? What causes these emotional crises, and what can we do to prevent them? Which of our efforts to make our schools safer is actually working?

These and many more questions deserve to be explored. I hope my amendment will lead to answers that will protect our students and our educators.

My amendment would double the money available for research to study the root causes of gun violence, including the impact and effectiveness of grants authorized under the STOP School Violence Act. This money would go to grant programs at the Departments of Justice and Homeland Security that are dedicated to ending violence in our communities.

Madam Chair, I urge my colleagues to support this amendment.

Ms. GRANGER. Madam Chair, I yield myself such time as I may consume.

As I said before, these bills were written to an unrealistic top-line funding number. We still do not have consensus on a budget agreement.

Moving this second appropriations package today as-is is another wasted opportunity. The package irresponsibly increases spending, jeopardizes our Nation's security, and burdens industry with more regulations.

Madam Chair, I strongly urge my colleagues to vote "no" on this package. I yield back the balance of my time.

Mrs. LOWEY. Madam Chair, I yield myself the balance of my time.

H.R. 3055 is a bill full of important investments that would make a real difference in people's lives. It truly is a bill for the people. It would improve quality of life, strengthen communities, and offer a brighter future for our Nation. I urge support.

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

The Acting CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

An amendment in the nature of a substitute consisting of the text of Rules Committee Print 116-18, modified by the amendment printed in part A of House Report 116-119, shall be considered as adopted, and the bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule and shall be considered as read.

The text of the bill, as amended, is as follows:

H.R. 3055

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

#### SEC. 1. SHORT TITLE.

*This Act may be cited as the "Commerce, Justice, Science, Agriculture, Rural Development, Food and Drug Administration, Interior, Environment, Military Construction, Veterans Affairs, Transportation, and Housing and Urban Development Appropriations Act, 2020".*

#### DIVISION A—COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

*The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:*

#### TITLE I

#### DEPARTMENT OF COMMERCE INTERNATIONAL TRADE ADMINISTRATION OPERATIONS AND ADMINISTRATION

*For necessary expenses for international trade activities of the Department of Commerce provided by law, to carry out activities associated with facilitating, attracting, and retaining business investment in the United States, and for engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to sections 3702 and 3703 of title 44, United States Code; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the International Trade Administration between two points abroad, without regard to section 40118 of title 49, United States Code; employment of citizens of the United States and aliens by contract for services; rental of space abroad for periods not exceeding 10 years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$294,300 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed \$45,000 per vehicle; obtaining insurance on official motor vehicles; and rental of tie lines, \$530,000,000, to remain available until September 30, 2021, of which \$11,000,000 is to be derived from fees to be retained and used by the International Trade Administration, notwithstanding section 3302 of title 31, United States Code; Provided, That, of amounts provided under this heading, not less than \$16,400,000 shall be for China antidumping and countervailing duty enforcement and compliance activities: Provided further, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act of 1961 shall include payment for assessments for services provided as part of these activities.*

#### BUREAU OF INDUSTRY AND SECURITY OPERATIONS AND ADMINISTRATION

*For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of citizens of the United States and aliens by contract for services abroad; payment of tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, United States Code, when such claims arise in foreign countries; not to exceed \$13,500 for official representation expenses abroad; awards of compensation to informers under the Export Control Reform Act of 2018 (subtitle B of title XVII of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; Public Law 115-232; 132 Stat. 2208; 50 U.S.C. 4801 et seq.), and as authorized by section 1(b) of the Act of June 15, 1917 (40 Stat. 223; 22 U.S.C. 401(b)); and purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law, \$127,652,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural*

*Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.*

#### ECONOMIC DEVELOPMENT ADMINISTRATION ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

*For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, for trade adjustment assistance, and for grants authorized by sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), \$498,350,000, to remain available until expended, of which \$30,000,000 shall be for grants under such section 27 and \$5,000,000 shall be for grants under such section 28.*

#### SALARIES AND EXPENSES

*For necessary expenses of administering the economic development assistance programs as provided by law, \$41,650,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, title II of the Trade Act of 1974, sections 27 and 28 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722 and 3723), and the Community Emergency Drought Relief Act of 1977.*

#### MINORITY BUSINESS DEVELOPMENT AGENCY

##### MINORITY BUSINESS DEVELOPMENT

*For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, \$44,000,000.*

#### ECONOMIC AND STATISTICAL ANALYSIS

##### SALARIES AND EXPENSES

*For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, \$107,990,000, to remain available until September 30, 2021.*

#### BUREAU OF THE CENSUS

##### CURRENT SURVEYS AND PROGRAMS

*For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, \$275,000,000: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities.*

##### PERIODIC CENSUSES AND PROGRAMS (INCLUDING TRANSFER OF FUNDS)

*For necessary expenses for collecting, compiling, analyzing, preparing, and publishing statistics for periodic censuses and programs provided for by law, \$675,000,000, to remain available until September 30, 2022: Provided, That, from amounts provided herein, funds may be used for promotion, outreach, and marketing activities: Provided further, That within the amounts appropriated, \$3,556,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the Bureau of the Census.*

*In addition to the amounts provided under this heading for the 2020 Census, \$7,500,000,000, to remain available until September 30, 2022, is new budget authority for the 2020 Census as specified for the purposes of section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, and section 1(g)(1) of H.Res. 293 of the 116th Congress.*

#### NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### SALARIES AND EXPENSES

*For necessary expenses, as provided for by law, of the National Telecommunications and*

Information Administration (NTIA), \$42,411,000, to remain available until September 30, 2021: Provided, That, notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce shall charge Federal agencies for costs incurred in spectrum management, analysis, operations, and related services, and such fees shall be retained and used as offsetting collections for costs of such spectrum services, to remain available until expended: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of NTIA, in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

**PUBLIC TELECOMMUNICATIONS FACILITIES,  
PLANNING AND CONSTRUCTION**

For the administration of prior-year grants, recoveries and unobligated balances of funds previously appropriated are available for the administration of all open grants until their expiration.

**UNITED STATES PATENT AND TRADEMARK OFFICE  
SALARIES AND EXPENSES**

**(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the United States Patent and Trademark Office (USPTO) provided for by law, including defense of suits instituted against the Under Secretary of Commerce for Intellectual Property and Director of the USPTO, \$3,450,681,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections of fees and surcharges assessed and collected by the USPTO under any law are received during fiscal year 2020, so as to result in a fiscal year 2020 appropriation from the general fund estimated at \$0: Provided further, That during fiscal year 2020, should the total amount of such offsetting collections be less than \$3,450,681,000 this amount shall be reduced accordingly: Provided further, That any amount received in excess of \$3,450,681,000 in fiscal year 2020 and deposited in the Patent and Trademark Fee Reserve Fund shall remain available until expended: Provided further, That the Director of USPTO shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for any amounts made available by the preceding proviso and such spending plan shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That any amounts reprogrammed in accordance with the preceding proviso shall be transferred to the United States Patent and Trademark Office "Salaries and Expenses" account: Provided further, That from amounts provided herein, not to exceed \$900 shall be made available in fiscal year 2020 for official reception and representation expenses: Provided further, That in fiscal year 2020 from the amounts made available for "Salaries and Expenses" for the USPTO, the amounts necessary to pay (1) the difference between the percentage of basic pay contributed by the USPTO and employees under section 8334(a) of title 5, United States Code, and the normal cost percentage (as defined by section 8331(17) of that title) as provided by the Office of Personnel Management (OPM) for USPTO's specific use, of basic pay, of employees subject to subchapter III of chapter 83 of that title, and (2) the present value of the otherwise unfunded accruing costs, as determined by OPM for USPTO's specific use of post-retirement life insurance and post-retirement health benefits coverage for all USPTO employees who are enrolled in Federal Employees Health Benefits (FEHB) and Federal Employees

Group Life Insurance (FEGLI), shall be transferred to the Civil Service Retirement and Disability Fund, the FEGLI Fund, and the Employees FEHB Fund, as appropriate, and shall be available for the authorized purposes of those accounts: Provided further, That any differences between the present value factors published in OPM's yearly 300 series benefit letters and the factors that OPM provides for USPTO's specific use shall be recognized as an imputed cost on USPTO's financial statements, where applicable: Provided further, That, notwithstanding any other provision of law, all fees and surcharges assessed and collected by USPTO are available for USPTO only pursuant to section 42(c) of title 35, United States Code, as amended by section 22 of the Leahy-Smith America Invents Act (Public Law 112-29): Provided further, That within the amounts appropriated, \$1,500,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to the USPTO.

**NATIONAL INSTITUTE OF STANDARDS AND  
TECHNOLOGY**

**SCIENTIFIC AND TECHNICAL RESEARCH AND  
SERVICES**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of the National Institute of Standards and Technology (NIST), \$751,000,000, to remain available until expended, of which not to exceed \$9,000,000 may be transferred to the "Working Capital Fund": Provided, That not to exceed \$5,000 shall be for official reception and representation expenses: Provided further, That NIST may provide local transportation for summer undergraduate research fellowship program participants.

**INDUSTRIAL TECHNOLOGY SERVICES**

For necessary expenses for industrial technology services, \$169,172,000, to remain available until expended, of which \$154,000,000 shall be for the Hollings Manufacturing Extension Partnership, and of which \$15,172,000 shall be for the National Network for Manufacturing Innovation (also known as "Manufacturing USA").

**CONSTRUCTION OF RESEARCH FACILITIES**

For construction of new research facilities, including architectural and engineering design, and for renovation and maintenance of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by sections 13 through 15 of the National Institute of Standards and Technology Act (15 U.S.C. 278c-278e), \$120,000,000, to remain available until expended: Provided, That the Secretary of Commerce shall include in the budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Institute of Standards and Technology construction project having a total multi-year program cost of more than \$5,000,000, and simultaneously the budget justification materials shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years.

**NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION**

**OPERATIONS, RESEARCH, AND FACILITIES**

**(INCLUDING TRANSFER OF FUNDS)**

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including maintenance, operation, and hire of aircraft and vessels; pilot programs for state-led fisheries management, notwithstanding any other provision of law; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and relocation of facilities, \$3,920,625,000,

to remain available until September 30, 2021: Provided, That fees and donations received by the National Ocean Service for the management of national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding section 3302 of title 31, United States Code: Provided further, That in addition, \$177,782,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries", which shall only be used for the Fisheries Science and Management program activities: Provided further, That of the \$4,115,907,000 provided for in direct obligations under this heading, \$3,920,625,000 is appropriated from the general fund, \$177,782,000 is provided by transfer, and \$17,500,000 is derived from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That in addition, for necessary retired pay expenses under the Retired Serviceman's Family Protection and Survivor Benefits Plan, and for payments for the medical care of retired personnel and their dependents under the Dependents' Medical Care Act (10 U.S.C. ch. 55), such sums as may be necessary.

**PROCUREMENT, ACQUISITION, AND CONSTRUCTION  
(INCLUDING TRANSFER OF FUNDS)**

For procurement, acquisition, and construction of capital assets, including alteration and modification costs, of the National Oceanic and Atmospheric Administration, \$1,496,000,000, to remain available until September 30, 2022, except that funds provided for acquisition and construction of vessels and construction of facilities shall remain available until expended: Provided, That of the \$1,509,000,000 provided for in direct obligations under this heading, \$1,496,000,000 is appropriated from the general fund and \$13,000,000 is provided from recoveries of prior year obligations: Provided further, That any deviation from the amounts designated for specific activities in the report accompanying this Act, or any use of deobligated balances of funds provided under this heading in previous years, shall be subject to the procedures set forth in section 505 of this Act: Provided further, That the Secretary of Commerce shall include in budget justification materials that the Secretary submits to Congress in support of the Department of Commerce budget (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) an estimate for each National Oceanic and Atmospheric Administration procurement, acquisition, or construction project having a total of more than \$5,000,000 and simultaneously the budget justification shall include an estimate of the budgetary requirements for each such project for each of the 5 subsequent fiscal years: Provided further, That, within the amounts appropriated, \$1,302,000 shall be transferred to the "Office of Inspector General" account for activities associated with carrying out investigations and audits related to satellite procurement, acquisition, and construction.

**PACIFIC COASTAL SALMON RECOVERY**

For necessary expenses associated with the restoration of Pacific salmon populations, \$65,000,000, to remain available until September 30, 2021: Provided, That, of the funds provided herein, the Secretary of Commerce may issue grants to the States of Washington, Oregon, Idaho, Nevada, California, and Alaska, and to the Federally recognized tribes of the Columbia River and Pacific Coast (including Alaska), for projects necessary for conservation of salmon and steelhead populations that are listed as threatened or endangered, or that are identified by a State as at-risk to be so listed, for maintaining populations necessary for exercise of

tribal treaty fishing rights or native subsistence fishing, or for conservation of Pacific coastal salmon and steelhead habitat, based on guidelines to be developed by the Secretary of Commerce: Provided further, That all funds shall be allocated based on scientific and other merit principles and shall not be available for marketing activities: Provided further, That funds disbursed to States shall be subject to a matching requirement of funds or documented in-kind contributions of at least 33 percent of the Federal funds.

#### FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95-372, not to exceed \$349,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

#### FISHERY DISASTER ASSISTANCE

For the necessary expenses associated with the mitigation of fishery disasters, \$15,000,000, to remain available until expended: Provided, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters as declared by the Secretary of Commerce.

#### FISHERIES FINANCE PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2020, obligations of direct loans may not exceed \$24,000,000 for Individual Fishing Quota loans and not to exceed \$100,000,000 for traditional direct loans as authorized by the Merchant Marine Act of 1936.

#### DEPARTMENTAL MANAGEMENT

##### SALARIES AND EXPENSES

For necessary expenses for the management of the Department of Commerce provided for by law, including not to exceed \$4,500 for official reception and representation, \$40,000,000: Provided, That of the funds provided under this heading, \$15,000,000 shall be withheld from obligation until the Secretary updates and resubmits to the Committees on Appropriations of the House of Representatives and the Senate the plan for expenditure described in the third proviso under the heading "Bureau of the Census—Periodic Census and Programs" in division C of Public Law 116-6.

#### RENOVATION AND MODERNIZATION

For necessary expenses for the renovation and modernization of Department of Commerce facilities, \$1,100,000, to remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$35,043,000: Provided, That notwithstanding section 6413(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112-96), \$2,000,000, to remain available until expended, from the amounts provided under this heading, shall be derived from the Public Safety Trust Fund for activities associated with carrying out investigations and audits related to the First Responder Network Authority (FirstNet).

#### GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 101. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary of Commerce that such payments are in the public interest.

SEC. 102. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger

motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 103. The Secretary of Commerce shall notify the Committees on Appropriations at least 15 days in advance of the acquisition or disposal of any capital asset (including land, structures, and equipment) not specifically provided for in this Act or any other law appropriating funds to the Department of Commerce.

SEC. 104. The requirements set forth by section 105 of the Commerce, Justice, Science, and Related Agencies Appropriations Act, 2012 (Public Law 112-55), as amended by section 105 of title I of division B of Public Law 113-6, are hereby adopted by reference and made applicable with respect to fiscal year 2020: Provided, That the life cycle cost for the Joint Polar Satellite System is \$11,322,125,000 and the life cycle cost for the Geostationary Operational Environmental Satellite R-Series Program is \$10,828,059,000.

SEC. 105. Notwithstanding any other provision of law, the Secretary may furnish services (including but not limited to utilities, telecommunications, and security services) necessary to support the operation, maintenance, and improvement of space that persons, firms, or organizations are authorized, pursuant to the Public Buildings Cooperative Use Act of 1976 or other authority, to use or occupy in the Herbert C. Hoover Building, Washington, DC, or other buildings, the maintenance, operation, and protection of which has been delegated to the Secretary from the Administrator of General Services pursuant to the Federal Property and Administrative Services Act of 1949 on a reimbursable or non-reimbursable basis. Amounts received as reimbursement for services provided under this section or the authority under which the use or occupancy of the space is authorized, up to \$100,000, shall be credited to the appropriation or fund which initially bears the costs of such services.

SEC. 106. Nothing in this title shall be construed to prevent a grant recipient from deterring child pornography, copyright infringement, or any other unlawful activity over its networks.

SEC. 107. The Administrator of the National Oceanic and Atmospheric Administration is authorized to use, with their consent, with reimbursement and subject to the limits of available appropriations, the land, services, equipment, personnel, and facilities of any department, agency, or instrumentality of the United States, or of any State, local government, Indian tribal government, Territory, or possession, or of any political subdivision thereof, or of any foreign government or international organization, for purposes related to carrying out the responsibilities of any statute administered by the National Oceanic and Atmospheric Administration.

SEC. 108. The National Technical Information Service shall not charge any customer for a copy of any report or document generated by the Legislative Branch unless the Service has provided information to the customer on how an electronic copy of such report or document may be accessed and downloaded for free online. Should a customer still require the Service to provide a printed or digital copy of the report or document, the charge shall be limited to recovering the Service's cost of processing, reproducing, and delivering such report or document.

SEC. 109. To carry out the responsibilities of the National Oceanic and Atmospheric Administration (NOAA), the Administrator of NOAA is authorized to: (1) enter into grants and cooperative agreements with; (2) use on a non-reimbursable basis land, services, equipment, personnel, and facilities provided by; and (3) receive and expend funds made available on a consensual basis from: a Federal agency, State or subdivision thereof, local government, tribal government, Territory, or possession or any subdivisions thereof: Provided, That funds received for permitting and related regulatory activities pur-

suant to this section shall be deposited under the heading "National Oceanic and Atmospheric Administration—Operations, Research, and Facilities" and shall remain available until September 30, 2022, for such purposes: Provided further, That all funds within this section and their corresponding uses are subject to section 505 of this Act.

SEC. 110. Amounts provided by this Act or by any prior appropriations Act that remain available for obligation, for necessary expenses of the programs of the Economics and Statistics Administration of the Department of Commerce, including amounts provided for programs of the Bureau of Economic Analysis and the Bureau of the Census, shall be available for expenses of cooperative agreements with appropriate entities, including any Federal, State, or local governmental unit, or institution of higher education, to aid and promote statistical, research, and methodology activities which further the purposes for which such amounts have been made available.

SEC. 111. None of the funds made available in this or prior Acts may be obligated or expended for the travel of personnel within the Office of the Secretary of Commerce from any account other than the "Departmental Management—Salaries and Expenses" account.

This title may be cited as the "Department of Commerce Appropriations Act, 2020".

## TITLE II

### DEPARTMENT OF JUSTICE

#### GENERAL ADMINISTRATION

##### SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, \$114,740,000, of which not to exceed \$4,000,000 for security and construction of Department of Justice facilities shall remain available until expended.

#### JUSTICE INFORMATION SHARING TECHNOLOGY

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information sharing technology, including planning, development, deployment and departmental direction, \$33,875,000, to remain available until expended: Provided, That the Attorney General may transfer up to \$40,000,000 to this account, from funds available to the Department of Justice for information technology, to remain available until expended, for enterprise-wide information technology initiatives: Provided further, That the transfer authority in the preceding proviso is in addition to any other transfer authority contained in this Act: Provided further, That any transfer pursuant to the first proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### EXECUTIVE OFFICE FOR IMMIGRATION REVIEW

##### (INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the administration of immigration-related activities of the Executive Office for Immigration Review, \$672,966,000, of which \$4,000,000 shall be derived by transfer from the Executive Office for Immigration Review fees deposited in the "Immigration Examinations Fee" account, and of which not less than \$25,000,000 shall be available for services and activities provided by the Legal Orientation Program: Provided, That not to exceed \$35,000,000 of the total amount made available under this heading shall remain available until expended.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, \$105,500,000, including not to exceed \$10,000 to meet unforeseen emergencies of a confidential character: Provided, That not to exceed \$2,000,000 shall remain available until September 30, 2021.



UNITED STATES PAROLE COMMISSION  
SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized, \$13,308,000: Provided, That, notwithstanding any other provision of law, upon the expiration of a term of office of a Commissioner, the Commissioner may continue to act until a successor has been appointed.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL  
ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed \$20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; the administration of pardon and clemency petitions; and rent of private or Government-owned space in the District of Columbia, \$934,600,000, of which not to exceed \$20,000,000 for litigation support contracts shall remain available until expended: Provided, That of the amount provided for INTERPOL Washington dues payments, not to exceed \$685,000 shall remain available until expended: Provided further, That of the total amount appropriated, not to exceed \$9,000 shall be available to INTERPOL Washington for official reception and representation expenses: Provided further, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for litigation activities of the Civil Division, the Attorney General may transfer such amounts to "Salaries and Expenses, General Legal Activities" from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That of the amount appropriated, such sums as may be necessary shall be available to the Civil Rights Division for salaries and expenses associated with the election monitoring program under section 8 of the Voting Rights Act of 1965 (52 U.S.C. 10305) and to reimburse the Office of Personnel Management for such salaries and expenses: Provided further, That of the amounts provided under this heading for the election monitoring program, \$3,390,000 shall remain available until expended: Provided further, That of the amount appropriated, not less than \$197,387,000 shall be available for the Criminal Division, including related expenses for the Mutual Legal Assistance Treaty Program.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed \$13,000,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, \$166,755,000, to remain available until expended: Provided, That notwithstanding any other provision of law, fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18a), regardless of the year of collection (and estimated to be \$141,000,000 in fiscal year 2020), shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as such offsetting collections are received during fiscal year 2020, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at \$25,755,000.

SALARIES AND EXPENSES, UNITED STATES  
ATTORNEYS

For necessary expenses of the Offices of the United States Attorneys, including inter-governmental and cooperative agreements, \$2,329,800,000: Provided, That of the total amount appropriated, not to exceed \$7,200 shall be available for official reception and representation expenses: Provided further, That not to exceed \$25,000,000 shall remain available until expended: Provided further, That each United States Attorney shall establish or participate in a task force on human trafficking.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, as authorized, \$227,229,000, to remain available until expended: Provided, That, notwithstanding any other provision of law, deposits to the United States Trustee System Fund and amounts herein appropriated shall be available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, fees deposited into the Fund pursuant to section 589a(b) of title 28, United States Code (as limited by section 1004(b) of the Bankruptcy Judgeship Act of 2017 (division B of Public Law 115-72)), shall be retained and used for necessary expenses in this appropriation and shall remain available until expended: Provided further, That to the extent that fees deposited into the Fund in fiscal year 2020, net of amounts necessary to pay refunds due depositors, exceed \$227,229,000, those excess amounts shall be available in future fiscal years only to the extent provided in advance in appropriations Acts: Provided further, That the sum herein appropriated from the general fund shall be reduced (1) as such fees are received during fiscal year 2020, net of amounts necessary to pay refunds due depositors, (estimated at \$309,000,000) and (2) to the extent that any remaining general fund appropriations can be derived from amounts deposited in the Fund in previous fiscal years that are not otherwise appropriated, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at \$0.

SALARIES AND EXPENSES, FOREIGN CLAIMS  
SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by section 3109 of title 5, United States Code, \$2,335,000.

FEES AND EXPENSES OF WITNESSES

For fees and expenses of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, including advances, and for expenses of foreign counsel, \$270,000,000, to remain available until expended, of which not to exceed \$16,000,000 is for construction of buildings for protected witness safeites; not to exceed \$3,000,000 is for the purchase and maintenance of armored and other vehicles for witness security caravans; and not to exceed \$18,000,000 is for the purchase, installation, maintenance, and upgrade of secure telecommunications equipment and a secure automated information network to store and retrieve the identities and locations of protected witnesses: Provided, That amounts made available under this heading may not be transferred pursuant to section 205 of this Act.

SALARIES AND EXPENSES, COMMUNITY RELATIONS  
SERVICE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Community Relations Service, \$17,000,000: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict resolution and violence prevention activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service,

from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by subparagraphs (B), (F), and (G) of section 524(c)(1) of title 28, United States Code, \$20,514,000, to be derived from the Department of Justice Assets Forfeiture Fund.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For necessary expenses of the United States Marshals Service, \$1,444,600,000, of which not to exceed \$6,000 shall be available for official reception and representation expenses, and not to exceed \$25,000,000 shall remain available until expended.

CONSTRUCTION

For construction in space controlled, occupied or utilized by the United States Marshals Service for prisoner holding and related support, \$15,000,000, to remain available until expended.

FEDERAL PRISONER DETENTION

For necessary expenses related to United States prisoners in the custody of the United States Marshals Service as authorized by section 4013 of title 18, United States Code, \$1,792,461,000, to remain available until expended: Provided, That not to exceed \$20,000,000 shall be considered "funds appropriated for State and local law enforcement assistance" pursuant to section 4013(b) of title 18, United States Code: Provided further, That the United States Marshals Service shall be responsible for managing the Justice Prisoner and Alien Transportation System.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the activities of the National Security Division, \$109,585,000, of which not to exceed \$5,000,000 for information technology systems shall remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for the activities of the National Security Division, the Attorney General may transfer such amounts to this heading from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the identification, investigation, and prosecution of individuals associated with the most significant drug trafficking organizations, transnational organized crime, and money laundering organizations not otherwise provided for, to include inter-governmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in transnational organized crime and drug trafficking, \$570,000,000, of which \$50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation.

FEDERAL BUREAU OF INVESTIGATION  
SALARIES AND EXPENSES

For necessary expenses of the Federal Bureau of Investigation for detection, investigation, and prosecution of crimes against the United States, \$9,455,928,000, of which not to exceed \$216,000,000 shall remain available until expended: Provided, That not to exceed \$184,500 shall be available for official reception and representation expenses.

CONSTRUCTION

For necessary expenses, to include the cost of equipment, furniture, and information technology requirements, related to construction or acquisition of buildings, facilities and sites by purchase, or as otherwise authorized by law; conversion, modification and extension of federally owned buildings; preliminary planning and design of projects; and operation and maintenance of secure work environment facilities and secure networking capabilities; \$51,895,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION  
SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed \$70,000 to meet unforeseen emergencies of a confidential character pursuant to section 530C of title 28, United States Code; and expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs, \$2,356,858,000, of which not to exceed \$75,000,000 shall remain available until expended and not to exceed \$90,000 shall be available for official reception and representation expenses.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND  
EXPLOSIVES

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco, Firearms and Explosives, for training of State and local law enforcement agencies with or without reimbursement, including training in connection with the training and acquisition of canines for explosives and fire accelerants detection; and for provision of laboratory assistance to State and local law enforcement agencies, with or without reimbursement, \$1,439,000,000, of which not to exceed \$36,000 shall be for official reception and representation expenses, not to exceed \$1,000,000 shall be available for the payment of attorneys' fees as provided by section 924(d)(2) of title 18, United States Code, and not to exceed \$25,000,000 shall remain available until expended: Provided, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under section 925(c) of title 18, United States Code: Provided further, That no funds made available by this or any other Act may be used to transfer the functions, missions, or activities of the Bureau of Alcohol, Tobacco, Firearms and Explosives to other agencies or Departments.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Federal Prison System for the administration, operation, and maintenance of Federal penal and correctional institutions, and for the provision of technical assistance and advice on corrections related issues to foreign governments, \$7,325,000,000: Provided, That the Attorney General may transfer to the Department of Health and Human Services such amounts as may be necessary for

direct expenditures by that Department for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System, where necessary, may enter into contracts with a fiscal agent or fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the Federal Prison System, furnish health services to individuals committed to the custody of the Federal Prison System: Provided further, That not to exceed \$5,400 shall be available for official reception and representation expenses: Provided further, That not to exceed \$50,000,000 shall remain available for necessary operations until September 30, 2021: Provided further, That, of the amounts provided for contract confinement, not to exceed \$20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements, and other expenses: Provided further, That the Director of the Federal Prison System may accept donated property and services relating to the operation of the prison card program from a not-for-profit entity which has operated such program in the past, notwithstanding the fact that such not-for-profit entity furnishes services under contracts to the Federal Prison System relating to the operation of pre-release services, halfway houses, or other custodial facilities.

BUILDINGS AND FACILITIES

For planning, acquisition of sites, and construction of new facilities; purchase and acquisition of facilities and remodeling, and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account, \$150,000,000, to remain available until expended: Provided, That labor of United States prisoners may be used for work performed under this appropriation.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation.

LIMITATION ON ADMINISTRATIVE EXPENSES,  
FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed \$2,700,000 of the funds of the Federal Prison Industries, Incorporated, shall be available for its administrative expenses, and for services as authorized by section 3109 of title 5, United States Code, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which such accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

STATE AND LOCAL LAW ENFORCEMENT  
ACTIVITIES

OFFICE ON VIOLENCE AGAINST WOMEN

VIOLENCE AGAINST WOMEN PREVENTION AND  
PROSECUTION PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance for the prevention and prosecution of violence against women, as authorized by the Omnibus Crime Control and Safe

Streets Act of 1968 (34 U.S.C. 10101 et seq.) ("the 1968 Act"); the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Juvenile Justice and Delinquency Prevention Act of 1974 (34 U.S.C. 11101 et seq.) ("the 1974 Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386) ("the 2000 Act"); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and the Rape Survivor Child Custody Act of 2015 (Public Law 114-22) ("the 2015 Act"); and for related victims services, \$582,500,000, to remain available until expended, which shall be derived by transfer from amounts available for obligation in this Act from the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101), notwithstanding section 1402(d) of such Act of 1984, and merged with the amounts otherwise made available under this heading: Provided, That except as otherwise provided by law, not to exceed 5 percent of funds made available under this heading may be used for expenses related to evaluation, training, and technical assistance: Provided further, That of the amount provided—

(1) \$222,000,000 is for grants to combat violence against women, as authorized by part T of the 1968 Act;

(2) \$41,000,000 is for transitional housing assistance grants for victims of domestic violence, dating violence, stalking, or sexual assault as authorized by section 40299 of the 1994 Act;

(3) \$3,000,000 is for the National Institute of Justice and the Bureau of Justice Statistics for research, evaluation, and statistics of violence against women and related issues addressed by grant programs of the Office on Violence Against Women, which shall be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(4) \$20,000,000 is for a grant program to provide services to advocate for and respond to youth victims of domestic violence, dating violence, sexual assault, and stalking; assistance to children and youth exposed to such violence; programs to engage men and youth in preventing such violence; and assistance to middle and high school students through education and other services related to such violence: Provided, That unobligated balances available for the programs authorized by sections 41201, 41204, 41303, and 41305 of the 1994 Act, prior to its amendment by the 2013 Act, shall be available for this program: Provided further, That 10 percent of the total amount available for this grant program shall be available for grants under the program authorized by section 2015 of the 1968 Act: Provided further, That the definitions and grant conditions in section 40002 of the 1994 Act shall apply to this program;

(5) \$62,000,000 is for grants to encourage arrest policies as authorized by part U of the 1968 Act, of which \$4,000,000 is for a homicide reduction initiative;

(6) \$50,000,000 is for sexual assault victims assistance, as authorized by section 41601 of the 1994 Act;

(7) \$50,000,000 is for rural domestic violence and child abuse enforcement assistance grants, as authorized by section 40295 of the 1994 Act;

(8) \$26,000,000 is for grants to reduce violent crimes against women on campus, as authorized by section 304 of the 2005 Act;

(9) \$57,000,000 is for legal assistance for victims, as authorized by section 1201 of the 2000 Act;

(10) \$9,000,000 is for enhanced training and services to end violence against and abuse of women in later life, as authorized by section 40801 of the 1994 Act;

(11) \$22,000,000 is for grants to support families in the justice system, as authorized by section 1301 of the 2000 Act: Provided, That unobligated balances available for the programs authorized by section 1301 of the 2000 Act and section 41002 of the 1994 Act, prior to their amendment by the 2013 Act, shall be available for this program;

(12) \$9,000,000 is for education and training to end violence against and abuse of women with disabilities, as authorized by section 1402 of the 2000 Act;

(13) \$1,000,000 is for the National Resource Center on Workplace Responses to assist victims of domestic violence, as authorized by section 41501 of the 1994 Act;

(14) \$1,000,000 is for analysis and research on violence against Indian women, including as authorized by section 904 of the 2005 Act: Provided, That such funds may be transferred to "Research, Evaluation and Statistics" for administration by the Office of Justice Programs;

(15) \$1,000,000 is for a national clearinghouse that provides training and technical assistance on issues relating to sexual assault of American Indian and Alaska Native women;

(16) \$5,000,000 is for grants to assist tribal governments in exercising special domestic violence criminal jurisdiction, as authorized by section 904 of the 2013 Act: Provided, That the grant conditions in section 40002(b) of the 1994 Act shall apply to this program; and

(17) \$3,500,000 is for the purposes authorized under the 2015 Act.

#### OFFICE OF JUSTICE PROGRAMS

##### RESEARCH, EVALUATION AND STATISTICS

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Juvenile Justice and Delinquency Prevention Act of 1974 ("the 1974 Act"); the Missing Children's Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Justice for All Act of 2004 (Public Law 108-405); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Victims of Child Abuse Act of 1990 (Public Law 101-647); the Second Chance Act of 2007 (Public Law 110-199); the Victims of Crime Act of 1984 (Public Law 98-473); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the PROTECT Our Children Act of 2008 (Public Law 110-401); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); and other programs, \$80,000,000, to remain available until expended, of which—

(1) \$43,000,000 is for criminal justice statistics programs, and other activities, as authorized by part C of title I of the 1968 Act, of which \$5,000,000 is for a nationwide incident-based crime statistics program; and

(2) \$37,000,000 is for research, development, and evaluation programs, and other activities as authorized by part B of title I of the 1968 Act and subtitle D of title II of the 2002 Act, of which \$5,000,000 is for research targeted toward developing a better understanding of the domestic radicalization phenomenon, and advancing evidence-based strategies for effective intervention and prevention; \$1,000,000 is for research to study the root causes of school violence to include the impact and effectiveness of grants made under the STOP School Violence Act; \$1,000,000 is for a study to better protect children against online predatory behavior as part of the National Juvenile Online Victimization Studies (N-JOVS); \$3,000,000 is for a national center for restorative justice; and \$3,000,000 is for corrections-related research, and \$1,500,000

is for expenses (including research and evaluation) associated with the National Institute of Justice's implementation of the First Step Act of 2018 (Public Law 115-391).

#### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

##### (INCLUDING TRANSFER OF FUNDS)

For grants, contracts, cooperative agreements, and other assistance authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968 ("the 1968 Act"); the Justice for All Act of 2004 (Public Law 108-405); the Victims of Child Abuse Act of 1990 (Public Law 101-647) ("the 1990 Act"); the Trafficking Victims Protection Reauthorization Act of 2005 (Public Law 109-164); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) ("the 2005 Act"); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) ("the Adam Walsh Act"); the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106-386); the NICS Improvement Amendments Act of 2007 (Public Law 110-180); subtitle D of title II of the Homeland Security Act of 2002 (Public Law 107-296) ("the 2002 Act"); the Second Chance Act of 2007 (Public Law 110-199); the Prioritizing Resources and Organization for Intellectual Property Act of 2008 (Public Law 110-403); the Victims of Crime Act of 1984 (Public Law 98-473); the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) ("the 2013 Act"); the Comprehensive Addiction and Recovery Act of 2016 (Public Law 114-198) ("CARA"); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); Kevin and Avonte's Law (division Q of Public Law 115-141) ("Kevin and Avonte's Law"); the Keep Young Athletes Safe Act of 2018 (title III of division S of Public Law 115-141) ("the Keep Young Athletes Safe Act"); the STOP School Violence Act of 2018 (title V of division S of Public Law 115-141) ("the STOP School Violence Act"); the Fix NICS Act of 2018 (title VI of division S of Public Law 115-141); the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115-185); and the SUPPORT for Patients and Communities Act (Public Law 115-271); and other programs, \$1,933,000,000, to remain available until expended as follows—

(1) \$530,250,000 for the Edward Byrne Memorial Justice Assistance Grant program as authorized by subpart 1 of part E of title I of the 1968 Act (except that section 1001(c), and the special rules for Puerto Rico under section 505(g) of title I of the 1968 Act shall not apply for purposes of this Act), of which, notwithstanding such subpart 1, \$15,000,000 is for the Officer Robert Wilson III Memorial Initiative on Preventing Violence Against Law Enforcement Officer Resilience and Survivability (VALOR), \$7,500,000 is for an initiative to support evidence-based policing, \$10,000,000 is for an initiative to enhance prosecutorial decision-making, \$3,600,000 is for the operationalization, maintenance and expansion of the National Missing and Unidentified Persons System, \$2,500,000 is for an academic based training initiative to improve police-based responses to people with mental illness or developmental disabilities, \$2,000,000 is for a student loan repayment assistance program pursuant to section 952 of Public Law 110-315, \$15,500,000 is for prison rape prevention and prosecution grants to States and units of local government, and other programs, as authorized by the Prison Rape Elimination Act of 2003 (Public Law 108-79), \$2,000,000 is for a grant program authorized by Kevin and Avonte's Law, \$3,000,000 is for a regional law enforcement technology initiative, \$7,000,000 is for the Capital Litigation Improvement Grant Program, as authorized by section 426 of Public Law 108-405, and for grants for wrongful conviction review, \$2,000,000 is for emergency law enforcement assistance for events

occurring during or after fiscal year 2020, as authorized by section 609M of the Justice Assistance Act of 1984 (34 U.S.C. 50101), \$2,000,000 is for grants to States and units of local government to deploy managed access systems to combat contraband cell phone use in prison, \$4,000,000 is for a program to improve juvenile indigent defense, \$100,000,000 is for grants for law enforcement activities associated with the presidential nominating conventions, and \$8,000,000 is for community-based violence prevention initiatives;

(2) \$260,000,000 for the State Criminal Alien Assistance Program, as authorized by section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)): Provided, That no jurisdiction shall request compensation for any cost greater than the actual cost for Federal immigration and other detainees housed in State and local detention facilities;

(3) \$100,000,000 for victim services programs for victims of trafficking, as authorized by section 107(b)(2) of Public Law 106-386, for programs authorized under Public Law 109-164, or programs authorized under Public Law 113-4;

(4) \$14,000,000 for economic, high technology, white collar, and Internet crime prevention grants, including as authorized by section 401 of Public Law 110-403, of which \$2,500,000 is for competitive grants that help State and local law enforcement tackle intellectual property thefts, and \$2,000,000 for a competitive grant program for training students in computer forensics and digital investigation;

(5) \$20,000,000 for sex offender management assistance, as authorized by the Adam Walsh Act, and related activities;

(6) \$25,000,000 for the matching grant program for law enforcement armor vests, as authorized by section 2501 of title I of the 1968 Act: Provided, That \$1,500,000 is transferred directly to the National Institute of Standards and Technology's Office of Law Enforcement Standards for research, testing and evaluation programs;

(7) \$1,000,000 for the National Sex Offender Public Website;

(8) \$80,000,000 for grants to States to upgrade criminal and mental health records for the National Instant Criminal Background Check System, of which no less than \$27,500,000 shall be for grants made under the authorities of the NICS Improvement Amendments Act of 2007 (Public Law 110-180) and Fix NICS Act of 2018;

(9) \$30,000,000 for Paul Coverdell Forensic Sciences Improvement Grants under part BB of title I of the 1968 Act;

(10) \$142,000,000 for DNA-related and forensic programs and activities, of which—

(A) \$100,000,000 is for the purposes authorized under section 2 of the DNA Analysis Backlog Elimination Act of 2000 (Public Law 106-546) (the Debbie Smith DNA Backlog Grant Program): Provided, That up to 4 percent of funds made available under this paragraph may be used for the purposes described in the DNA Training and Education for Law Enforcement, Correctional Personnel, and Court Officers program (Public Law 108-405, section 303);

(B) \$30,000,000 for other local, State, and Federal forensic activities;

(C) \$8,000,000 is for the purposes described in the Kirk Bloodsworth Post-Conviction DNA Testing Grant Program (Public Law 108-405, section 412); and

(D) \$4,000,000 is for Sexual Assault Forensic Exam Program grants, including as authorized by section 304 of Public Law 108-405;

(11) \$49,000,000 for a grant program for community-based sexual assault response reform;

(12) \$12,000,000 for the court-appointed special advocate program, as authorized by section 217 of the 1990 Act;

(13) \$106,500,000 for offender reentry programs and research, as authorized by the Second Chance Act of 2007 (Public Law 110-199), without regard to the time limitations specified at section 6(1) of such Act, of which not to exceed \$6,000,000 is for a program to improve State,

local, and tribal probation or parole supervision efforts and strategies, \$5,000,000 is for Children of Incarcerated Parents Demonstrations to enhance and maintain parental and family relationships for incarcerated parents as a reentry or recidivism reduction strategy, and \$4,000,000 is for additional replication sites employing the Project HOPE Opportunity Probation with Enforcement model implementing swift and certain sanctions in probation, and for a research project on the effectiveness of the model: Provided, That up to \$7,500,000 of funds made available in this paragraph may be used for performance-based awards for Pay for Success projects, of which up to \$5,000,000 shall be for Pay for Success programs implementing the Permanent Supportive Housing Model;

(14) \$80,000,000 for initiatives to improve police-community relations, of which \$25,000,000 is for a competitive matching grant program for purchases of body-worn cameras for State, local and Tribal law enforcement, \$35,000,000 is for a justice reinvestment initiative, for activities related to criminal justice reform and recidivism reduction, and \$20,000,000 is for an Edward Byrne Memorial criminal justice innovation program;

(15) \$375,000,000 for comprehensive opioid abuse reduction activities, including as authorized by CARA, and for the following programs, which shall address opioid abuse reduction consistent with underlying program authorities—

(A) \$83,000,000 for Drug Courts, as authorized by section 1001(a)(25)(A) of title I of the 1968 Act;

(B) \$35,000,000 for mental health courts and adult and juvenile collaboration program grants, as authorized by parts V and HH of title I of the 1968 Act, and the Mentally Ill Offender Treatment and Crime Reduction Reauthorization and Improvement Act of 2008 (Public Law 110-416);

(C) \$33,000,000 for grants for Residential Substance Abuse Treatment for State Prisoners, as authorized by part S of title I of the 1968 Act;

(D) \$25,000,000 for a veterans treatment courts program;

(E) \$30,000,000 for a program to monitor prescription drugs and scheduled listed chemical products;

(F) \$159,000,000 for a comprehensive opioid abuse program; and

(G) \$10,000,000 is for law enforcement assisted diversion program grants;

(16) \$2,500,000 for a competitive grant program authorized by the Keep Young Athletes Safe Act;

(17) \$93,750,000 for grants to be administered by the Bureau of Justice Assistance including for purposes authorized under the STOP School Violence Act, of which \$2,000,000 is for a center for campus safety;

(18) \$10,000,000 for a competitive grant pilot program for qualified nonprofit organizations to provide legal representation to immigrants arriving at the southwest border seeking asylum and other forms of legal protection in the United States; and

(19) \$2,000,000 for grants to state and local law enforcement agencies for the expenses associated with the investigation and prosecution of criminal offenses, involving civil rights, authorized by the Emmett Till Unsolved Civil Rights Crimes Reauthorization Act of 2016 (Public Law 114-325).

#### JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974 (“the 1974 Act”); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); the Missing Children’s Assistance Act (34 U.S.C. 11291 et seq.); the Prosecutorial Remedies and Other Tools to end

the Exploitation of Children Today Act of 2003 (Public Law 108-21); the Victims of Child Abuse Act of 1990 (Public Law 101-647) (“the 1990 Act”); the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248) (“the Adam Walsh Act”); the PROTECT Our Children Act of 2008 (Public Law 110-401); the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) (“the 2013 Act”); the Justice for All Reauthorization Act of 2016 (Public Law 114-324); and other juvenile justice programs, \$341,500,000, to remain available until expended as follows—

(1) \$65,000,000 for programs authorized by section 221 of the 1974 Act, and for training and technical assistance to assist small, nonprofit organizations with the Federal grants process: Provided, That of the amounts provided under this paragraph, \$500,000 shall be for a competitive demonstration grant program to support emergency planning among State, local and tribal juvenile justice residential facilities;

(2) \$100,000,000 for youth mentoring grants;

(3) \$49,500,000 for delinquency prevention, as authorized by section 505 of the 1974 Act, of which, pursuant to sections 261 and 262 thereof—

(A) \$5,000,000 shall be for grants to prevent trafficking of girls;

(B) \$7,500,000 shall be for the Tribal Youth Program;

(C) \$500,000 shall be for an Internet site providing information and resources on children of incarcerated parents;

(D) \$2,000,000 shall be for competitive grants focusing on girls in the juvenile justice system;

(E) \$9,000,000 shall be for an opioid-affected youth initiative;

(F) \$8,000,000 shall be for an initiative relating to children exposed to violence; and

(4) \$28,000,000 for programs authorized by the Victims of Child Abuse Act of 1990;

(5) \$85,000,000 for missing and exploited children programs, including as authorized by sections 404(b) and 405(a) of the 1974 Act (except that section 102(b)(4)(B) of the PROTECT Our Children Act of 2008 (Public Law 110-401) shall not apply for purposes of this Act);

(6) \$4,000,000 for child abuse training programs for judicial personnel and practitioners, as authorized by section 222 of the 1990 Act; and

(7) \$10,000,000 for the Juvenile Accountability Block Grants program as authorized by part R of title I of the 1968 Act and Guam shall be considered a State.

#### PUBLIC SAFETY OFFICER BENEFITS (INCLUDING TRANSFER OF FUNDS)

For payments and expenses authorized under section 1001(a)(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968, such sums as are necessary (including amounts for administrative costs), to remain available until expended; and \$24,800,000 for payments authorized by section 1201(b) of such Act and for educational assistance authorized by section 1218 of such Act, to remain available until expended: Provided, That notwithstanding section 205 of this Act, upon a determination by the Attorney General that emergent circumstances require additional funding for such disability and education payments, the Attorney General may transfer such amounts to “Public Safety Officer Benefits” from available appropriations for the Department of Justice as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to the preceding proviso shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

#### COMMUNITY ORIENTED POLICING SERVICES

#### COMMUNITY ORIENTED POLICING SERVICES PROGRAMS

#### (INCLUDING TRANSFER OF FUNDS)

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994 (Pub-

lic Law 103-322); the Omnibus Crime Control and Safe Streets Act of 1968 (“the 1968 Act”); the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109-162) (“the 2005 Act”); and the SUPPORT for Patients and Communities Act (Public Law 115-271), \$323,000,000, to remain available until expended: Provided, That any balances made available through prior year deobligations shall only be available in accordance with section 505 of this Act: Provided further, That of the amount provided under this heading—

(1) \$239,750,000 is for grants under section 1701 of title I of the 1968 Act (34 U.S.C. 10381) for the hiring and rehiring of additional career law enforcement officers under part Q of such title notwithstanding subsection (i) of such section: Provided, That, notwithstanding section 1704(c) of such title (34 U.S.C. 10384(c)), funding for hiring or rehiring a career law enforcement officer may not exceed \$125,000 unless the Director of the Office of Community Oriented Policing Services grants a waiver from this limitation: Provided further, That of the amounts appropriated under this paragraph, \$6,500,000 is for community policing development activities in furtherance of the purposes in section 1701: Provided further, That of the amounts appropriated under this paragraph \$38,000,000 is for regional information sharing activities, as authorized by part M of title I of the 1968 Act, which shall be transferred to and merged with “Research, Evaluation, and Statistics” for administration by the Office of Justice Programs: Provided further, That within the amounts appropriated under this paragraph, no less than \$3,000,000 is to support the Tribal Access Program: Provided further, That within the amounts appropriated under this paragraph, \$2,000,000 is for training, peer mentoring, and mental health program activities as authorized under the Law Enforcement Mental Health and Wellness Act (Public Law 115-113);

(2) \$12,000,000 is for activities authorized by the POLICE Act of 2016 (Public Law 114-199);

(3) \$8,000,000 is for competitive grants to State law enforcement agencies in States with high seizures of precursor chemicals, finished methamphetamine, laboratories, and laboratory dump seizures: Provided, That funds appropriated under this paragraph shall be utilized for investigative purposes to locate or investigate illicit activities, including precursor diversion, laboratories, or methamphetamine traffickers;

(4) \$32,000,000 is for competitive grants to statewide law enforcement agencies in States with high rates of primary treatment admissions for heroin and other opioids: Provided, That these funds shall be utilized for investigative purposes to locate or investigate illicit activities, including activities related to the distribution of heroin or unlawful distribution of prescription opioids, or unlawful heroin and prescription opioid traffickers through statewide collaboration; and

(5) \$31,250,000 is for competitive grants to be administered by the Community Oriented Policing Services Office for purposes authorized under the STOP School Violence Act (title V of division S of Public Law 115-141).

#### GENERAL PROVISIONS—DEPARTMENT OF JUSTICE (INCLUDING TRANSFER OF FUNDS)

SEC. 201. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed \$50,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses.

SEC. 202. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape or incest: Provided, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 203. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 204. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: Provided, That nothing in this section in any way diminishes the effect of section 203 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

SEC. 206. None of the funds made available under this title may be used by the Federal Bureau of Prisons or the United States Marshals Service for the purpose of transporting an individual who is a prisoner pursuant to conviction for crime under State or Federal law and is classified as a maximum or high security prisoner, other than to a prison or other facility certified by the Federal Bureau of Prisons as appropriately secure for housing such a prisoner.

SEC. 207. (a) None of the funds appropriated by this Act may be used by Federal prisons to purchase cable television services, or to rent or purchase audiovisual or electronic media or equipment used primarily for recreational purposes.

(b) Subsection (a) does not preclude the rental, maintenance, or purchase of audiovisual or electronic media or equipment for inmate training, religious, or educational programs.

SEC. 208. None of the funds made available under this title shall be obligated or expended for any new or enhanced information technology program having total estimated development costs in excess of \$100,000,000, unless the Deputy Attorney General and the investment review board certify to the Committees on Appropriations of the House of Representatives and the Senate that the information technology program has appropriate program management controls and contractor oversight mechanisms in place, and that the program is compatible with the enterprise architecture of the Department of Justice.

SEC. 209. The notification thresholds and procedures set forth in section 505 of this Act shall apply to deviations from the amounts designated for specific activities in this Act and in the report accompanying this Act, and to any use of deobligated balances of funds provided under this title in previous years.

SEC. 210. None of the funds appropriated by this Act may be used to plan for, begin, continue, finish, process, or approve a public-private competition under the Office of Management and Budget Circular A-76 or any successor administrative regulation, directive, or policy for work performed by employees of the Bureau of Prisons or of Federal Prison Industries, Incorporated.

SEC. 211. Notwithstanding any other provision of law, no funds shall be available for the salary, benefits, or expenses of any United States Attorney assigned dual or additional responsibilities by the Attorney General or his designee that exempt that United States Attorney from the residency requirements of section 545 of title 28, United States Code.

SEC. 212. At the discretion of the Attorney General, and in addition to any amounts that otherwise may be available (or authorized to be made available) by law, with respect to funds appropriated by this title under the headings

“Research, Evaluation and Statistics”, “State and Local Law Enforcement Assistance”, and “Juvenile Justice Programs” or otherwise appropriated or transferred under this Act for administration by the Office of Justice Programs—

(1) up to 3 percent of funds made available to the Office of Justice Programs for grant or reimbursement programs may be used by such Office to provide training and technical assistance; and

(2) up to 3 percent of funds made available for grant or reimbursement programs under such headings, except for amounts appropriated specifically for research, evaluation, or statistical programs administered by the National Institute of Justice and the Bureau of Justice Statistics, shall be transferred to and merged with funds provided to the National Institute of Justice and the Bureau of Justice Statistics, to be used by them for research, evaluation, or statistical purposes, without regard to the authorizations for such grant or reimbursement programs; and

(3) up to 7 percent of funds made available for grant or reimbursement programs may be transferred to and merged with funds under the heading “State and Local Law Enforcement Assistance”, for assistance to Indian tribes, without regard to the authorizations for such grant or reimbursement programs.

SEC. 213. Upon request by a grantee for whom the Attorney General has determined there is a fiscal hardship, the Attorney General may, with respect to funds appropriated in this or any other Act making appropriations for fiscal years 2017 through 2020 for the following programs, waive the following requirements:

(1) For the adult and juvenile offender State and local reentry demonstration projects under part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10631 et seq.), the requirements under section 2976(g)(1) of such part (34 U.S.C. 10631(g)(1)).

(2) For grants to protect inmates and safeguard communities as authorized by section 6 of the Prison Rape Elimination Act of 2003 (34 U.S.C. 30305(c)(3)), the requirements of section 6(c)(3) of such Act.

SEC. 214. Notwithstanding any other provision of law, section 20109(a) of subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (34 U.S.C. 12109(a)) shall not apply to amounts made available by this or any other Act.

SEC. 215. None of the funds made available under this Act, other than for the national instant criminal background check system established under section 103 of the Brady Handgun Violence Prevention Act (34 U.S.C. 40901), may be used by a Federal law enforcement officer to facilitate the transfer of an operable firearm to an individual if the Federal law enforcement officer knows or suspects that the individual is an agent of a drug cartel, unless law enforcement personnel of the United States continuously monitor or control the firearm at all times.

SEC. 216. (a) None of the income retained in the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation during fiscal year 2020, except up to \$12,000,000 may be obligated for implementation of a unified Department of Justice financial management system.

(b) Not to exceed \$30,000,000 of the unobligated balances transferred to the capital account of the Department of Justice Working Capital Fund pursuant to title I of Public Law 102-140 (105 Stat. 784; 28 U.S.C. 527 note) shall be available for obligation in fiscal year 2020, and any use, obligation, transfer or allocation of such funds shall be treated as a reprogramming of funds under section 505 of this Act.

(c) Not to exceed \$10,000,000 of the excess unobligated balances available under section 524(c)(8)(E) of title 28, United States Code, shall be available for obligation during fiscal year 2020, and any use, obligation, transfer or allocation of such funds shall be treated as a re-

programming of funds under section 505 of this Act.

SEC. 217. Discretionary funds that are made available in this Act for the Office of Justice Programs may be used to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113-76, section 524 of division G of Public Law 113-235, section 525 of division H of Public Law 114-113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal years 2019 and 2020.

SEC. 218. None of the funds made available by this Act may be used by the Executive Office for Immigration Review to implement case performance numeric metrics that are linked to performance evaluations for individual immigration judges.

This title may be cited as the “Department of Justice Appropriations Act, 2020”

## TITLE III

### SCIENCE

#### OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 et seq.), hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, \$5,000,000.

#### NATIONAL SPACE COUNCIL

For necessary expenses of the National Space Council, in carrying out the purposes of Title V of Public Law 100-685 and Executive Order 13803, hire of passenger motor vehicles, and services as authorized by section 3109 of title 5, United States Code, not to exceed \$2,250 for official reception and representation expenses, \$1,870,000: Provided, That notwithstanding any other provision of law, the National Space Council may accept personnel support from Federal agencies, departments, and offices, and such Federal agencies, departments, and offices may detail staff without reimbursement to the National Space Council for purposes provided herein.

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

### SCIENCE

For necessary expenses, not otherwise provided for, in the conduct and support of science research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$7,161,300,000, to remain available until September 30, 2021: Provided, That, of the amounts provided, \$592,600,000 is for an orbiter to meet the science goals for the Jupiter Europa mission as recommended in previous Planetary Science Decadal surveys: Provided further, That the National Aeronautics and Space Administration shall use the Space Launch System as the launch vehicles for the Jupiter Europa missions, plan for an orbiter launch no later than 2023 and a lander launch no later than 2025, and include in the fiscal year 2021 budget the 5-year funding profile necessary to achieve these goals.



## AERONAUTICS

For necessary expenses, not otherwise provided for, in the conduct and support of aeronautics research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$700,000,000, to remain available until September 30, 2021.

## SPACE TECHNOLOGY

For necessary expenses, not otherwise provided for, in the conduct and support of space technology research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$1,291,600,000, to remain available until September 30, 2021: Provided, That \$180,000,000 shall be for RESTORE-L: Provided further, That \$125,000,000 shall be for nuclear thermal propulsion technologies: Provided further, That, not later than 180 days after the enactment of this Act, the National Aeronautics and Space Administration (NASA) shall provide a plan for the design of a flight demonstration.

## EXPLORATION

For necessary expenses, not otherwise provided for, in the conduct and support of exploration research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$5,129,900,000, to remain available until September 30, 2021: Provided, That not less than \$1,425,000,000 shall be for the Orion Multi-Purpose Crew Vehicle: Provided further, That not less than \$2,150,000,000 shall be for the Space Launch System (SLS) launch vehicle, which shall have a lift capability not less than 130 metric tons and which shall have core elements and an Exploration Upper Stage developed simultaneously, to be used to the maximum extent practicable, including for Earth to Moon missions and a Moon landing: Provided further, That of the amounts provided for SLS, not less than \$200,000,000 shall be for Exploration Upper Stage development: Provided further, That \$592,800,000 shall be for Exploration Ground Systems, including \$50,000,000 for a second mobile launch platform and associated SLS activities: Provided further, That the National Aeronautics and Space Administration (NASA) shall provide to the Committees on Appropriations of the House of Representatives and the Senate, concurrent with the annual budget submission, a 5-year budget profile for an integrated system that includes the Space Launch System, the Orion Multi-Purpose Crew Vehicle, and associated ground systems that will ensure an Exploration Mission-2 crewed launch as early as possible, as well as a system-based funding profile for a sustained launch cadence beyond the ini-

tial crewed test launch: Provided further, That \$962,100,000 shall be for exploration research and development.

## SPACE OPERATIONS

For necessary expenses, not otherwise provided for, in the conduct and support of space operations research and development activities, including research, development, operations, support and services; space flight, spacecraft control and communications activities, including operations, production, and services; maintenance and repair, facility planning and design; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance and operation of mission and administrative aircraft, \$4,285,700,000, to remain available until September 30, 2021.

## SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS ENGAGEMENT

For necessary expenses, not otherwise provided for, in the conduct and support of aerospace and aeronautical education research and development activities, including research, development, operations, support, and services; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$123,000,000, to remain available until September 30, 2021, of which \$25,000,000 shall be for the Established Program to Stimulate Competitive Research and \$48,000,000 shall be for the National Space Grant College and Fellowship Program.

## SAFETY, SECURITY AND MISSION SERVICES

For necessary expenses, not otherwise provided for, in the conduct and support of science, aeronautics, space technology, exploration, space operations and education research and development activities, including research, development, operations, support, and services; maintenance and repair, facility planning and design; space flight, spacecraft control, and communications activities; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; travel expenses; purchase and hire of passenger motor vehicles; not to exceed \$63,000 for official reception and representation expenses; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft, \$3,084,600,000, to remain available until September 30, 2021.

## CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses for construction of facilities including repair, rehabilitation, revitalization, and modification of facilities, construction of new facilities and additions to existing facilities, facility planning and design, and restoration, and acquisition or condemnation of real property, as authorized by law, and environmental compliance and restoration, \$497,200,000, to remain available until September 30, 2025: Provided, That proceeds from leases deposited into this account shall be available for a period of 5 years to the extent and in amounts as provided in annual appropriations Acts: Provided further, That such proceeds referred to in the preceding proviso shall be available for obligation for fiscal year 2020 in an amount not to exceed \$17,000,000: Provided further, That each annual budget request shall include an annual estimate of gross receipts and collections and proposed use of all funds collected pursuant to section 20145 of title 51, United States Code.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the Inspector

General Act of 1978, \$41,700,000, of which \$500,000 shall remain available until September 30, 2021.

## ADMINISTRATIVE PROVISIONS

## (INCLUDING TRANSFERS OF FUNDS)

Funds for any announced prize otherwise authorized shall remain available, without fiscal year limitation, until a prize is claimed or the offer is withdrawn.

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Aeronautics and Space Administration in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers. Balances so transferred shall be merged with and available for the same purposes and the same time period as the appropriations to which transferred. Any transfer pursuant to this provision shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The spending plan required by this Act shall be provided by NASA at the theme, program, project and activity level. The spending plan, as well as any subsequent change of an amount established in that spending plan that meets the notification requirements of section 505 of this Act, shall be treated as a reprogramming under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

## NATIONAL SCIENCE FOUNDATION

## RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), and Public Law 86-209 (42 U.S.C. 1880 et seq.); services as authorized by section 3109 of title 5, United States Code; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; and authorized travel; \$7,106,301,000, to remain available until September 30, 2021, of which not to exceed \$544,000,000 shall remain available until expended for polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation.

## MAJOR RESEARCH EQUIPMENT AND FACILITIES CONSTRUCTION

For necessary expenses for the acquisition, construction, commissioning, and upgrading of major research equipment, facilities, and other such capital assets pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including authorized travel, \$223,230,000, to remain available until expended.

## EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science, mathematics and engineering education and human resources programs and activities pursuant to the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.), including services as authorized by section 3109 of title 5, United States Code, authorized travel, and rental of conference rooms in the District of Columbia, \$950,000,000, to remain available until September 30, 2021.

## AGENCY OPERATIONS AND AWARD MANAGEMENT

For agency operations and award management necessary in carrying out the National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.); services authorized by section 3109 of title 5, United States Code; hire of passenger

motor vehicles; uniforms or allowances therefor, as authorized by sections 5901 and 5902 of title 5, United States Code; rental of conference rooms in the District of Columbia; and reimbursement of the Department of Homeland Security for security guard services; \$336,890,000: Provided, That not to exceed \$8,280 is for official reception and representation expenses: Provided further, That contracts may be entered into under this heading in fiscal year 2020 for maintenance and operation of facilities and for other services to be provided during the next fiscal year.

#### OFFICE OF THE NATIONAL SCIENCE BOARD

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms in the District of Columbia, and the employment of experts and consultants under section 3109 of title 5, United States Code) involved in carrying out section 4 of the National Science Foundation Act of 1950 (42 U.S.C. 1863) and Public Law 86-209 (42 U.S.C. 1880 et seq.), \$4,370,000: Provided, That not to exceed \$2,500 shall be available for official reception and representation expenses.

#### OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General as authorized by the Inspector General Act of 1978, \$15,350,000, of which \$400,000 shall remain available until September 30, 2021.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

Not to exceed 5 percent of any appropriation made available for the current fiscal year for the National Science Foundation in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers. Any transfer pursuant to this paragraph shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation except in compliance with the procedures set forth in that section.

The Director of the National Science Foundation (NSF) shall notify the Committees on Appropriations of the House of Representatives and the Senate at least 30 days in advance of any planned divestment through transfer, de-commissioning, termination, or deconstruction of any NSF-owned facilities or any NSF capital assets (including land, structures, and equipment) valued greater than \$2,500,000.

This title may be cited as the “Science Appropriations Act, 2020”.

#### TITLE IV

##### RELATED AGENCIES

##### COMMISSION ON CIVIL RIGHTS

##### SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, \$10,500,000: Provided, That none of the funds appropriated in this paragraph may be used to employ any individuals under Schedule C of subpart C of part 213 of title 5 of the Code of Federal Regulations exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the chairperson, who is permitted 125 billable days: Provided further, That none of the funds appropriated in this paragraph shall be used for any activity or expense that is not explicitly authorized by section 3 of the Civil Rights Commission Act of 1983 (42 U.S.C. 1975a): Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

##### EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by

title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Americans with Disabilities Act of 1990, section 501 of the Rehabilitation Act of 1973, the Civil Rights Act of 1991, the Genetic Information Nondiscrimination Act (GINA) of 2008 (Public Law 110-233), the ADA Amendments Act of 2008 (Public Law 110-325), and the Lilly Ledbetter Fair Pay Act of 2009 (Public Law 111-2), including services as authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles as authorized by section 1343(b) of title 31, United States Code; nonmonetary awards to private citizens; and up to \$29,500,000 for payments to State and local enforcement agencies for authorized services to the Commission, \$399,500,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed \$2,250 from available funds: Provided further, That the Commission may take no action to implement any workforce repositioning, restructuring, or reorganization until such time as the Committees on Appropriations of the House of Representatives and the Senate have been notified of such proposals, in accordance with the reprogramming requirements of section 505 of this Act: Provided further, That the Chair is authorized to accept and use any gift or donation to carry out the work of the Commission.

##### INTERNATIONAL TRADE COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by section 3109 of title 5, United States Code, and not to exceed \$2,250 for official reception and representation expenses, \$101,000,000, to remain available until expended.

##### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, \$550,000,000, of which \$509,500,000 is for basic field programs and required independent audits; \$5,100,000 is for the Office of Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients; \$23,400,000 is for management and grants oversight; \$5,000,000 is for client self-help and information technology; \$5,000,000 is for a Pro Bono Innovation Fund; and \$2,000,000 is for loan repayment assistance: Provided, That the Legal Services Corporation may continue to provide locality pay to officers and employees at a rate no greater than that provided by the Federal Government to Washington, DC-based employees as authorized by section 5304 of title 5, United States Code, notwithstanding section 1005(d) of the Legal Services Corporation Act (42 U.S.C. 2996d(d)): Provided further, That the authorities provided in section 205 of this Act shall be applicable to the Legal Services Corporation: Provided further, That, for the purposes of section 505 of this Act, the Legal Services Corporation shall be considered an agency of the United States Government.

##### ADMINISTRATIVE PROVISION—LEGAL SERVICES CORPORATION

None of the funds appropriated in this Act to the Legal Services Corporation shall be expended for any purpose prohibited or limited by, or contrary to any of the provisions of, sections 501, 502, 503, 504, 505, and 506 of Public Law 105-119, and all funds appropriated in this Act to the Legal Services Corporation shall be subject to the same terms and conditions set forth in such sections, except that all references in sections 502 and 503 to 1997 and 1998 shall be deemed to refer instead to 2019 and 2020, respectively.

##### MARINE MAMMAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.), \$3,616,000.

##### OFFICE OF THE UNITED STATES TRADE

##### REPRESENTATIVE

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by section 3109 of title 5, United States Code, \$57,000,000, of which \$1,000,000 shall remain available until expended: Provided, That of the total amount made available under this heading, not to exceed \$124,000 shall be available for official reception and representation expenses.

##### TRADE ENFORCEMENT TRUST FUND

##### (INCLUDING TRANSFER OF FUNDS)

For activities of the United States Trade Representative authorized by section 611 of the Trade Facilitation and Trade Enforcement Act of 2015 (19 U.S.C. 4405), including transfers, \$15,000,000, to be derived from the Trade Enforcement Trust Fund: Provided, That any transfer pursuant to subsection (d)(1) of such section shall be treated as a reprogramming under section 505 of this Act.

##### STATE JUSTICE INSTITUTE

##### SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by the State Justice Institute Act of 1984 (42 U.S.C. 10701 et seq.) \$6,555,000, of which \$500,000 shall remain available until September 30, 2021: Provided, That not to exceed \$2,250 shall be available for official reception and representation expenses: Provided further, That, for the purposes of section 505 of this Act, the State Justice Institute shall be considered an agency of the United States Government.

#### TITLE V

##### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS)

##### (INCLUDING TRANSFERS OF FUNDS)

SEC. 501. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 505. None of the funds provided under this Act, or provided under previous appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that: (1) creates or initiates a new program, project or activity; (2)



eliminates a program, project or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes or renames offices, programs or activities; (6) contracts out or privatizes any functions or activities presently performed by Federal employees; (7) augments existing programs, projects or activities in excess of \$500,000 or 10 percent, whichever is less, or reduces by 10 percent funding for any program, project or activity, or numbers of personnel by 10 percent; or (8) results from any general savings, including savings from a reduction in personnel, which would result in a change in existing programs, projects or activities as approved by Congress; unless the House and Senate Committees on Appropriations are notified 15 days in advance of such reprogramming of funds.

SEC. 506. (a) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

(b)(1) To the extent practicable, with respect to authorized purchases of promotional items, funds made available by this Act shall be used to purchase items that are manufactured, produced, or assembled in the United States, its territories or possessions.

(2) The term "promotional items" has the meaning given the term in OMB Circular A-87, Attachment B, Item (1)(f)(3).

SEC. 507. (a) The Departments of Commerce and Justice, the National Science Foundation, and the National Aeronautics and Space Administration shall provide to the Committees on Appropriations of the House of Representatives and the Senate a quarterly report on the status of balances of appropriations at the account level. For unobligated, uncommitted balances and unobligated, committed balances the quarterly reports shall separately identify the amounts attributable to each source year of appropriation from which the balances were derived. For balances that are obligated, but unexpended, the quarterly reports shall separately identify amounts by the year of obligation.

(b) The report described in subsection (a) shall be submitted within 30 days of the end of each quarter.

(c) If a department or agency is unable to fulfill any aspect of a reporting requirement described in subsection (a) due to a limitation of a current accounting system, the department or agency shall fulfill such aspect to the maximum extent practicable under such accounting system and shall identify and describe in each quarterly report the extent to which such aspect is not fulfilled.

SEC. 508. Any costs incurred by a department or agency funded under this Act resulting from, or to prevent, personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such department or agency. Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this section is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 505 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That for the Department of Commerce, this section shall also apply to actions taken for the care and protection of loan collateral or grant property.

SEC. 509. None of the funds provided by this Act shall be available to promote the sale or ex-

port of tobacco or tobacco products, or to seek the reduction or removal by any foreign country of restrictions on the marketing of tobacco or tobacco products, except for restrictions which are not applied equally to all tobacco or tobacco products of the same type.

SEC. 510. Notwithstanding any other provision of law, amounts deposited or available in the Fund established by section 1402 of chapter XIV of title II of Public Law 98-473 (34 U.S.C. 20101) in any fiscal year in excess of \$2,838,000,000 shall not be available for obligation until the following fiscal year: Provided, That notwithstanding section 1402(d) of such Act, of the amounts available from the Fund for obligation: (1) \$10,000,000 shall be transferred to the "Department of Justice, Office of Inspector General" account for oversight and auditing purposes associated with this section; and (2) 5 percent shall be available to the Office for Victims of Crime for grants, consistent with the requirements of the Victims of Crime Act, to Indian tribes to improve services for victims of crime.

SEC. 511. None of the funds made available to the Department of Justice in this Act may be used to discriminate against or denigrate the religious or moral beliefs of students who participate in programs for which financial assistance is provided from those funds, or of the parents or legal guardians of such students.

SEC. 512. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 513. (a) The Inspectors General of the Department of Commerce, the Department of Justice, the National Aeronautics and Space Administration, the National Science Foundation, and the Legal Services Corporation shall conduct audits, pursuant to the Inspector General Act (5 U.S.C. App.), of grants or contracts for which funds are appropriated by this Act, and shall submit reports to Congress on the progress of such audits, which may include preliminary findings and a description of areas of particular interest, within 180 days after initiating such an audit and every 180 days thereafter until any such audit is completed.

(b) Within 60 days after the date on which an audit described in subsection (a) by an Inspector General is completed, the Secretary, Attorney General, Administrator, Director, or President, as appropriate, shall make the results of the audit available to the public on the Internet website maintained by the Department, Administration, Foundation, or Corporation, respectively. The results shall be made available in redacted form to exclude—

(1) any matter described in section 552(b) of title 5, United States Code; and

(2) sensitive personal information for any individual, the public access to which could be used to commit identity theft or for other inappropriate or unlawful purposes.

(c) Any person awarded a grant or contract funded by amounts appropriated by this Act shall submit a statement to the Secretary of Commerce, the Attorney General, the Administrator, Director, or President, as appropriate, certifying that no funds derived from the grant or contract will be made available through a subcontract or in any other manner to another person who has a financial interest in the person awarded the grant or contract.

(d) The provisions of the preceding subsections of this section shall take effect 30 days after the date on which the Director of the Office of Management and Budget, in consultation with the Director of the Office of Government Ethics, determines that a uniform set of rules and requirements, substantially similar to the requirements in such subsections, consistently apply under the executive branch ethics program to all Federal departments, agencies, and entities.

SEC. 514. (a) None of the funds appropriated or otherwise made available under this Act may

be used by the Departments of Commerce and Justice, the National Aeronautics and Space Administration, or the National Science Foundation to acquire a high-impact or moderate-impact information system, as defined for security categorization in the National Institute of Standards and Technology's (NIST) Federal Information Processing Standard Publication 199, "Standards for Security Categorization of Federal Information and Information Systems" unless the agency has—

(1) reviewed the supply chain risk for the information systems against criteria developed by NIST and the Federal Bureau of Investigation (FBI) to inform acquisition decisions for high-impact and moderate-impact information systems within the Federal Government;

(2) reviewed the supply chain risk from the presumptive awardee against available and relevant threat information provided by the FBI and other appropriate agencies; and

(3) in consultation with the FBI or other appropriate Federal entity, conducted an assessment of any risk of cyber-espionage or sabotage associated with the acquisition of such system, including any risk associated with such system being produced, manufactured, or assembled by one or more entities identified by the United States Government as posing a cyber threat, including but not limited to, those that may be owned, directed, or subsidized by the People's Republic of China, the Islamic Republic of Iran, the Democratic People's Republic of Korea, or the Russian Federation.

(b) None of the funds appropriated or otherwise made available under this Act may be used to acquire a high-impact or moderate-impact information system reviewed and assessed under subsection (a) unless the head of the assessing entity described in subsection (a) has—

(1) developed, in consultation with NIST, the FBI, and supply chain risk management experts, a mitigation strategy for any identified risks;

(2) determined, in consultation with NIST and the FBI, that the acquisition of such system is in the national interest of the United States; and

(3) reported that determination to the Committees on Appropriations of the House of Representatives and the Senate and the agency Inspector General.

SEC. 515. None of the funds made available in this Act shall be used in any way whatsoever to support or justify the use of torture by any official or contract employee of the United States Government.

SEC. 516. None of the funds made available in this Act may be used to include in any new bilateral or multilateral trade agreement the text of—

(1) paragraph 2 of article 16.7 of the United States-Singapore Free Trade Agreement;

(2) paragraph 4 of article 17.9 of the United States-Australia Free Trade Agreement; or

(3) paragraph 4 of article 15.9 of the United States-Morocco Free Trade Agreement.

SEC. 517. None of the funds made available in this Act may be used to authorize or issue a national security letter in contravention of any of the following laws authorizing the Federal Bureau of Investigation to issue national security letters: The Right to Financial Privacy Act of 1978; The Electronic Communications Privacy Act of 1986; The Fair Credit Reporting Act; The National Security Act of 1947; USA PATRIOT Act; USA FREEDOM Act of 2015; and the laws amended by these Acts.

SEC. 518. If at any time during any quarter, the program manager of a project within the jurisdiction of the Departments of Commerce or Justice, the National Aeronautics and Space Administration, or the National Science Foundation totaling more than \$75,000,000 has reasonable cause to believe that the total program cost has increased by 10 percent or more, the program manager shall immediately inform the respective Secretary, Administrator, or Director.

The Secretary, Administrator, or Director shall notify the House and Senate Committees on Appropriations within 30 days in writing of such increase, and shall include in such notice: the date on which such determination was made; a statement of the reasons for such increases; the action taken and proposed to be taken to control future cost growth of the project; changes made in the performance or schedule milestones and the degree to which such changes have contributed to the increase in total program costs or procurement costs; new estimates of the total project or procurement costs; and a statement validating that the project's management structure is adequate to control total project or procurement costs.

SEC. 519. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence or intelligence related activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 3094) during fiscal year 2020 until the enactment of the Intelligence Authorization Act for fiscal year 2020.

SEC. 520. None of the funds appropriated or otherwise made available by this Act may be used to enter into a contract in an amount greater than \$5,000,000 or to award a grant in excess of such amount unless the prospective contractor or grantee certifies in writing to the agency awarding the contract or grant that, to the best of its knowledge and belief, the contractor or grantee has filed all Federal tax returns required during the three years preceding the certification, has not been convicted of a criminal offense under the Internal Revenue Code of 1986, and has not, more than 90 days prior to certification, been notified of any unpaid Federal tax assessment for which the liability remains unsatisfied, unless the assessment is the subject of an installment agreement or offer in compromise that has been approved by the Internal Revenue Service and is not in default, or the assessment is the subject of a non-frivolous administrative or judicial proceeding.

#### (RESCISSIONS)

SEC. 521. (a) Of the unobligated balances available to the Department of Justice, the following funds are hereby rescinded, not later than September 30, 2020, from the following accounts in the specified amounts—

- (1) "Working Capital Fund", \$100,000,000;
- (2) "Federal Bureau of Investigation, Salaries and Expenses", \$60,000,000 including from, but not limited to, fees collected to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs; and
- (3) "State and Local Law Enforcement Activities, Office of Justice Programs", \$85,000,000.

(b) The Department of Justice shall submit to the Committees on Appropriations of the House of Representatives and the Senate a report no later than September 1, 2020, specifying the amount of each rescission made pursuant to subsection (a).

(c) The amounts rescinded in subsection (a) shall not be from amounts that were designated by the Congress as an emergency or disaster relief requirement pursuant to the concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 522. None of the funds made available in this Act may be used to purchase first class or premium airline travel in contravention of sections 301–10.122 through 301–10.124 of title 41 of the Code of Federal Regulations.

SEC. 523. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees from a Federal department or agency, who are stationed in the United States, at any single conference occurring outside the United States unless such conference is a law enforcement training or operational conference for law enforcement personnel and the majority of Federal

employees in attendance are law enforcement personnel stationed outside the United States.

SEC. 524. The Director of the Office of Management and Budget shall instruct any department, agency, or instrumentality of the United States receiving funds appropriated under this Act to track undisbursed balances in expired grant accounts and include in its annual performance plan and performance and accountability reports the following:

- (1) Details on future action the department, agency, or instrumentality will take to resolve undisbursed balances in expired grant accounts.
- (2) The method that the department, agency, or instrumentality uses to track undisbursed balances in expired grant accounts.
- (3) Identification of undisbursed balances in expired grant accounts that may be returned to the Treasury of the United States.
- (4) In the preceding 3 fiscal years, details on the total number of expired grant accounts with undisbursed balances (on the first day of each fiscal year) for the department, agency, or instrumentality and the total finances that have not been obligated to a specific project remaining in the accounts.

SEC. 525. To the extent practicable, funds made available in this Act should be used to purchase light bulbs that are "Energy Star" qualified or have the "Federal Energy Management Program" designation.

SEC. 526. (a) None of the funds made available by this Act may be used for the National Aeronautics and Space Administration (NASA), the Office of Science and Technology Policy (OSTP), or the National Space Council (NSC) to develop, design, plan, promulgate, implement, or execute a bilateral policy, program, order, or contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company unless such activities are specifically authorized by a law enacted after the date of enactment of this Act.

(b) None of the funds made available by this Act may be used to effectuate the hosting of official Chinese visitors at facilities belonging to or utilized by NASA.

(c) The limitations described in subsections (a) and (b) shall not apply to activities which NASA, OSTP, or NSC, after consultation with the Federal Bureau of Investigation, have certified—

- (1) pose no risk of resulting in the transfer of technology, data, or other information with national security or economic security implications to China or a Chinese-owned company; and
- (2) will not involve knowing interactions with officials who have been determined by the United States to have direct involvement with violations of human rights.

(d) Any certification made under subsection (c) shall be submitted to the Committees on Appropriations of the House of Representatives and the Senate, and the Federal Bureau of Investigation, no later than 30 days prior to the activity in question and shall include a description of the purpose of the activity, its agenda, its major participants, and its location and timing.

SEC. 527. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, adjudication, or other law enforcement- or victim assistance-related activity.

SEC. 528. The Departments of Commerce and Justice, the National Aeronautics and Space Administration, the National Science Foundation, the Commission on Civil Rights, the Equal Employment Opportunity Commission, the International Trade Commission, the Legal Services Corporation, the Marine Mammal Commission,

the Offices of Science and Technology Policy and the United States Trade Representative, the National Space Council, and the State Justice Institute shall submit spending plans, signed by the respective department or agency head, to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this Act.

SEC. 529. Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractor performance that has been judged to be below satisfactory performance or for performance that does not meet the basic requirements of a contract.

SEC. 530. None of the funds made available by this Act may be used in contravention of section 7606 ("Legitimacy of Industrial Hemp Research") of the Agricultural Act of 2014 (Public Law 113–79) by the Department of Justice or the Drug Enforcement Administration.

SEC. 531. None of the funds made available under this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, or Puerto Rico, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of medical marijuana.

SEC. 532. The Department of Commerce, the National Aeronautics and Space Administration, and the National Science Foundation shall provide a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate on any official travel to China by any employee of such Department or agency, including the purpose of such travel.

SEC. 533. Of the amounts made available by this Act, not less than 10 percent of each total amount provided, respectively, for Public Works grants authorized by the Public Works and Economic Development Act of 1965 and grants authorized by section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) shall be allocated for assistance in persistent poverty counties: Provided, That for purposes of this section, the term "persistent poverty counties" means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates.

SEC. 534. None of the funds made available in this Act or any other Act may be used by the Department of Commerce to incorporate into the 2020 Decennial Census any question that was not included in the 2018 End-to-End Census Test in Providence County, Rhode Island.

SEC. 535. None of the funds made available by this Act may be used to relocate the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Canine Training Center or the ATF National Canine Division.

SEC. 536. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

SEC. 537. Any reference to a "report accompanying this Act" contained in this division shall be treated as a reference to House Report 116–101. The effect of such Report shall be limited to this division and shall apply for purposes of determining the allocation of funds provided by, and the implementation of, this division.

This Act may be cited as the “Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020”.

# **DIVISION B—AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes, namely:

## **TITLE I**

### **AGRICULTURAL PROGRAMS**

#### **PROCESSING, RESEARCH, AND MARKETING**

##### **OFFICE OF THE SECRETARY**

##### **(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Office of the Secretary, \$45,112,000, of which not to exceed \$4,850,000 shall be available for the Immediate Office of the Secretary; not to exceed \$1,448,000 shall be available for the Office of Homeland Security; not to exceed \$6,211,000 shall be available for the Office of Partnerships and Public Engagement, of which \$1,500,000 shall be for 7 U.S.C. 2279(c)(5); not to exceed \$22,251,000 shall be available for the Office of the Assistant Secretary for Administration, of which \$21,376,000 shall be available for Departmental Administration to provide for necessary expenses for management support services to offices of the Department and for general administration, security, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department: Provided, That funds made available by this Act to an agency in the Administration mission area for salaries and expenses are available to fund up to one administrative support staff for the Office; not to exceed \$3,091,000 shall be available for the Office of Assistant Secretary for Congressional Relations and Intergovernmental Affairs to carry out the programs funded by this Act, including programs involving intergovernmental affairs and liaison within the executive branch; and not to exceed \$7,261,000 shall be available for the Office of Communications: Provided further, That the Secretary of Agriculture is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 5 percent: Provided further, That not to exceed \$22,000 of the amount made available under this paragraph for the Immediate Office of the Secretary shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary: Provided further, That the amount made available under this heading for Departmental Administration shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558: Provided further, That funds made available under this heading for the Office of the Assistant Secretary for Congressional Relations and Intergovernmental Affairs may be transferred to agencies of the Department of Agriculture funded by this Act to maintain personnel at the agency level.

##### **EXECUTIVE OPERATIONS**

##### **OFFICE OF THE CHIEF ECONOMIST**

For necessary expenses of the Office of the Chief Economist, \$21,013,000, of which \$5,000,000 shall be for grants or cooperative agreements for policy research under 7 U.S.C. 3155.

##### **OFFICE OF HEARINGS AND APPEALS**

For necessary expenses of the Office of Hearings and Appeals, \$15,222,000.

##### **OFFICE OF BUDGET AND PROGRAM ANALYSIS**

For necessary expenses of the Office of Budget and Program Analysis, \$9,525,000.

##### **OFFICE OF THE CHIEF INFORMATION OFFICER**

For necessary expenses of the Office of the Chief Information Officer, \$101,400,000.

##### **OFFICE OF THE CHIEF FINANCIAL OFFICER**

For necessary expenses of the Office of the Chief Financial Officer, \$6,028,000.

##### **OFFICE OF THE ASSISTANT SECRETARY FOR CIVIL RIGHTS**

For necessary expenses of the Office of the Assistant Secretary for Civil Rights, \$901,000: Provided, That funds made available by this Act to an agency in the Civil Rights mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

##### **OFFICE OF CIVIL RIGHTS**

For necessary expenses of the Office of Civil Rights, \$24,206,000.

##### **AGRICULTURE BUILDINGS AND FACILITIES**

##### **(INCLUDING TRANSFERS OF FUNDS)**

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture under 40 U.S.C. 121, for programs and activities of the Department which are included in this Act, and for alterations and other actions needed for the Department and its agencies to consolidate unneeded space into configurations suitable for release to the Administrator of General Services, and for the operation, maintenance, improvement, and repair of Agriculture buildings and facilities, and for related costs, \$331,114,000, to remain available until expended.

##### **HAZARDOUS MATERIALS MANAGEMENT**

##### **(INCLUDING TRANSFERS OF FUNDS)**

For necessary expenses of the Department of Agriculture, to comply with the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.) and the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), \$5,288,000, to remain available until expended: Provided, That appropriations and funds available herein to the Department for Hazardous Materials Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

##### **OFFICE OF INSPECTOR GENERAL**

For necessary expenses of the Office of Inspector General, including employment pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), \$98,208,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.), and including not to exceed \$125,000 for certain confidential operational expenses, including the payment of informants, to be expended under the direction of the Inspector General pursuant to the Inspector General Act of 1978 (Public Law 95–452; 5 U.S.C. App.) and section 1337 of the Agriculture and Food Act of 1981 (Public Law 97–98).

##### **OFFICE OF THE GENERAL COUNSEL**

For necessary expenses of the Office of the General Counsel, \$41,242,000.

##### **OFFICE OF ETHICS**

For necessary expenses of the Office of Ethics, \$4,136,000.

##### **OFFICE OF THE UNDER SECRETARY FOR RESEARCH, EDUCATION, AND ECONOMICS**

For necessary expenses of the Office of the Under Secretary for Research, Education, and Economics, \$800,000: Provided, That funds made available by this Act to an agency in the Research, Education, and Economics mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

##### **ECONOMIC RESEARCH SERVICE**

For necessary expenses of the Economic Research Service, \$87,757,000: Provided, That the term “necessary expenses” does not include any expenditure of funds to relocate the Economic Research Service outside the National Capital Region.

##### **NATIONAL AGRICULTURAL STATISTICS SERVICE**

For necessary expenses of the National Agricultural Statistics Service, \$180,794,000, of which up to \$45,300,000 shall be available until expended for the Census of Agriculture: Provided, That amounts made available for the Census of Agriculture may be used to conduct Current Industrial Report surveys subject to 7 U.S.C. 2204g(d) and (f).

##### **AGRICULTURAL RESEARCH SERVICE**

##### **SALARIES AND EXPENSES**

For necessary expenses of the Agricultural Research Service and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed \$100, and for land exchanges where the lands exchanged shall be of equal value or shall be equalized by a payment of money to the grantor which shall not exceed 25 percent of the total value of the land or interests transferred out of Federal ownership, \$1,347,516,000, of which \$13,100,000, to remain available until expended, shall be used for transition and equipment purchases for the National Bio and Agro-Defense Facility located in Manhattan, Kansas: Provided, That of the amounts available to the Agricultural Research Service for the National Bio and Agro-Defense Facility, no funds may be obligated above the amount provided for the facility in P.L. 116–6 until the Secretary of Agriculture submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees, a strategic plan as required in the report accompanying this Act: Provided further, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: Provided further, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided, the cost of constructing any one building shall not exceed \$500,000, except for greenhouses or greenhouses which shall each be limited to \$1,800,000, except for 10 buildings to be constructed or improved at a cost not to exceed \$1,100,000 each, and except for two buildings to be constructed at a cost not to exceed \$3,000,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or \$500,000, whichever is greater: Provided further, That appropriations hereunder shall be available for entering into lease agreements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by the Agricultural Research Service and a condition of the lease shall be that any facility shall be owned, operated, and maintained by the non-Federal entity and shall be removed upon the expiration or termination of the lease agreement: Provided further, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: Provided further, That appropriations hereunder shall be available for granting easements at the Beltsville Agricultural Research Center: Provided further, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): Provided further, That appropriations hereunder shall be available for granting easements at any Agricultural Research Service location for the construction of a research facility by a non-Federal entity for use by, and acceptable to, the Agricultural Research Service and a condition of the easements shall

be that upon completion the facility shall be accepted by the Secretary, subject to the availability of funds herein, if the Secretary finds that acceptance of the facility is in the interest of the United States: Provided further, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law.

#### BUILDINGS AND FACILITIES

For the acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, \$50,000,000 to remain available until expended.

#### NATIONAL INSTITUTE OF FOOD AND AGRICULTURE RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, \$1,033,007,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Research and Education Activities" in the report accompanying this Act: Provided, That funds for research grants for 1994 institutions, education grants for 1890 institutions, capacity building for non-land-grant colleges of agriculture, the agriculture and food research initiative, veterinary medicine loan repayment, multicultural scholars, graduate fellowship and institution challenge grants, and grants management systems shall remain available until expended: Provided further, That each institution eligible to receive funds under the Evans-Allen program receives no less than \$1,000,000: Provided further, That funds for education grants for Alaska Native and Native Hawaiian-serving institutions be made available to individual eligible institutions or consortia of eligible institutions with funds awarded equally to each of the States of Alaska and Hawaii: Provided further, That funds for education grants for 1890 institutions shall be made available to institutions eligible to receive funds under 7 U.S.C. 3221 and 3222: Provided further, That not more than 5 percent of the amounts made available by this or any other Act to carry out the Agriculture and Food Research Initiative under 7 U.S.C. 3157 may be retained by the Secretary of Agriculture to pay administrative costs incurred by the Secretary in carrying out that authority: Provided further, That none of these funds may be used to relocate the National Institute of Food and Agriculture outside the National Capital Region.

#### NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For the Native American Institutions Endowment Fund authorized by Public Law 103-382 (7 U.S.C. 301 note), \$11,880,000, to remain available until expended.

#### EXTENSION ACTIVITIES

For payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, the Northern Marianas, and American Samoa, \$541,086,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Extension Activities" in the report accompanying this Act: Provided, That funds for facility improvements at 1890 institutions shall remain available until expended: Provided further, That institutions eligible to receive funds under 7 U.S.C. 3221 for cooperative extension receive no less than \$1,000,000: Provided further, That funds for cooperative extension under sections 3(b) and (c) of the Smith-Lever Act (7 U.S.C. 343(b) and (c)) and section 208(c) of Public Law 93-471 shall be available for retirement and employees' compensation costs for extension agents: Provided further, That none of these

funds may be used to relocate the National Institute of Food and Agriculture outside the National Capital Region.

#### INTEGRATED ACTIVITIES

For the integrated research, education, and extension grants programs, including necessary administrative expenses, \$40,000,000, which shall be for the purposes, and in the amounts, specified in the table titled "National Institute of Food and Agriculture, Integrated Activities" in the report accompanying this Act: Provided, That funds for the Food and Agriculture Defense Initiative shall remain available until September 30, 2021: Provided further, That notwithstanding any other provision of law, indirect costs shall not be charged against any Extension Implementation Program Area grant awarded under the Crop Protection/Pest Management Program (7 U.S.C. 7626): Provided further, That none of these funds may be used to relocate the National Institute of Food and Agriculture outside the National Capital Region.

#### OFFICE OF THE UNDER SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary expenses of the Office of the Under Secretary for Marketing and Regulatory Programs, \$800,000: Provided, That funds made available by this Act to an agency in the Marketing and Regulatory Programs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

#### ANIMAL AND PLANT HEALTH INSPECTION SERVICE SALARIES AND EXPENSES (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Animal and Plant Health Inspection Service, including up to \$30,000 for representation allowances and for expenses pursuant to the Foreign Service Act of 1980 (22 U.S.C. 4085), \$1,034,011,000, of which \$470,000, to remain available until expended, shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds ("contingency fund") to the extent necessary to meet emergency conditions; of which \$11,520,000, to remain available until expended, shall be used for the cotton pests program, including for cost share purposes or for debt retirement for active eradication zones; of which \$37,857,000, to remain available until expended, shall be for Animal Health Technical Services; of which \$1,000,000 shall be for activities under the authority of the Horse Protection Act, as amended (15 U.S.C. 1831); of which \$62,840,000, to remain available until expended, shall be used to support avian health; of which \$4,251,000, to remain available until expended, shall be for information technology infrastructure; of which \$186,513,000, to remain available until expended, shall be for specialty crop pests; of which, \$12,826,000, to remain available until expended, shall be for field crop and rangeland ecosystem pests; of which \$17,523,000, to remain available until expended, shall be for zoonotic disease management; of which \$40,966,000, to remain available until expended, shall be for emergency preparedness and response; of which \$60,000,000, to remain available until expended, shall be for tree and wood pests; of which \$5,725,000, to remain available until expended, shall be for the National Veterinary Stockpile; of which up to \$1,500,000, to remain available until expended, shall be for the scrapie program for indemnities; of which \$2,500,000, to remain available until expended, shall be for the wildlife damage management program for aviation safety; of which \$17,800,000, to remain available until expended, shall be used to carry out the science program and transition activities for the National Bio and Agro-Defense Facility located in Manhattan, Kansas: Provided, That of the amounts available to the Animal and Plant Health Inspection Service for the National Bio and Agro-Defense Facility, no funds may be obligated above the amount provided for the facility in

P.L. 116-6 until the Secretary of Agriculture submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees, a strategic plan as required in the report accompanying this Act: Provided further, That of amounts available under this heading for wildlife services methods development, \$1,000,000 shall remain available until expended: Provided further, That of amounts available under this heading for the screwworm program, \$4,990,000 shall remain available until expended: Provided further, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: Provided further, That this appropriation shall be available for the purchase, replacement, operation, and maintenance of aircraft: Provided further, That in addition, in emergencies which threaten any segment of the agricultural production industry of the United States, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as may be deemed necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious disease or pests of animals, poultry, or plants, and for expenses in accordance with sections 10411 and 10417 of the Animal Health Protection Act (7 U.S.C. 8310 and 8316) and sections 431 and 442 of the Plant Protection Act (7 U.S.C. 7751 and 7772), and any unexpended balances of funds transferred for such emergency purposes in the preceding fiscal year shall be merged with such transferred amounts: Provided further, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 2020, the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be reimbursed to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 2268a, \$3,175,000, to remain available until expended.

#### AGRICULTURAL MARKETING SERVICE

##### MARKETING SERVICES

For necessary expenses of the Agricultural Marketing Service, \$182,888,000, of which \$4,000,000 shall be available for the purposes of section 12306 of Public Law 113-79: Provided, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$61,227,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: Provided, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this

limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

FUNDS FOR STRENGTHENING MARKETS, INCOME,  
AND SUPPLY (SECTION 32)  
(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of 1956 (16 U.S.C. 742a et seq.); (2) transfers otherwise provided in this Act; and (3) not more than \$20,705,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937 and the Agricultural Act of 1961 (Public Law 87-128).

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1623(b)), \$1,235,000.

LIMITATION ON INSPECTION AND WEIGHING  
SERVICES EXPENSES

Not to exceed \$55,000,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: Provided, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

OFFICE OF THE UNDER SECRETARY FOR FOOD  
SAFETY

For necessary expenses of the Office of the Under Secretary for Food Safety, \$800,000: Provided, That funds made available by this Act to an agency in the Food Safety mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry out services authorized by the Federal Meat Inspection Act, the Poultry Products Inspection Act, and the Egg Products Inspection Act, including not to exceed \$10,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$1,054,344,000; and in addition, \$1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1327 of the Food, Agriculture, Conservation and Trade Act of 1990 (7 U.S.C. 138f): Provided, That funds provided for the Public Health Data Communication Infrastructure system shall remain available until expended: Provided further, That no fewer than 148 full-time equivalent positions shall be employed during fiscal year 2020 for purposes dedicated solely to inspections and enforcement related to the Humane Methods of Slaughter Act (7 U.S.C. 1901 et seq.): Provided further, That the Food Safety and Inspection Service shall continue implementation of section 11016 of Public Law 110-246 as further clarified by the amendments made in section 12106 of Public Law 113-79: Provided further, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

TITLE II

FARM PRODUCTION AND CONSERVATION  
PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FARM  
PRODUCTION AND CONSERVATION

For necessary expenses of the Office of the Under Secretary for Farm Production and Con-

servation, \$901,000: Provided, That funds made available by this Act to an agency in the Farm Production and Conservation mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

FARM PRODUCTION AND CONSERVATION BUSINESS  
CENTER

SALARIES AND EXPENSES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Production and Conservation Business Center, \$206,530,000: Provided, That \$60,228,000 of amounts appropriated for the current fiscal year pursuant to section 1241(a) of the Farm Security and Rural Investment Act of 1985 (16 U.S.C. 3841(a)) shall be transferred to and merged with this account.

FARM SERVICE AGENCY  
SALARIES AND EXPENSES  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Farm Service Agency, \$1,122,837,000, of which not less than \$20,000,000 shall be for the hiring of new employees to fill vacancies at Farm Service Agency county offices and farm loan officers and shall be available until September 30, 2021: Provided, That of the funds included under this heading, \$30,000,000 shall be available until expended for temporary staff and information technology software development related to implementation of the Agriculture Improvement Act of 2018: Provided further, That not more than 50 percent of the funding made available under this heading for information technology related to farm program delivery may be obligated until the Secretary submits to the Committees on Appropriations of both Houses of Congress, and receives written or electronic notification of receipt from such Committees of, a plan for expenditure that (1) identifies for each project/investment over \$25,000 (a) the functional and performance capabilities to be delivered and the mission benefits to be realized, (b) the estimated lifecycle cost for the entirety of the project/investment, including estimates for development as well as maintenance and operations, and (c) key milestones to be met; (2) demonstrates that each project/investment is, (a) consistent with the Farm Service Agency Information Technology Roadmap, (b) being managed in accordance with applicable lifecycle management policies and guidance, and (c) subject to the applicable Department's capital planning and investment control requirements; and (3) has been reviewed by the Government Accountability Office and approved by the Committees on Appropriations of both Houses of Congress: Provided further, That the agency shall submit a report by the end of the fourth quarter of fiscal year 2020 to the Committees on Appropriations and the Government Accountability Office, that identifies for each project/investment that is operational (a) current performance against key indicators of customer satisfaction, (b) current performance of service level agreements or other technical metrics, (c) current performance against a pre-established cost baseline, (d) a detailed breakdown of current and planned spending on operational enhancements or upgrades, and (e) an assessment of whether the investment continues to meet business needs as intended as well as alternatives to the investment: Provided further, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: Provided further, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: Provided further, That funds made available to county committees shall remain available until expended: Provided further, That none of the funds available to the Farm Service Agency shall be used to close Farm Service Agency county offices: Provided further,

That none of the funds available to the Farm Service Agency shall be used to permanently relocate county based employees that would result in an office with two or fewer employees without prior notification and approval of the Committees on Appropriations of both Houses of Congress.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101-5106), \$5,000,000.

GRASSROOTS SOURCE WATER PROTECTION  
PROGRAM

For necessary expenses to carry out wellhead or groundwater protection activities under section 1240 of the Food Security Act of 1985 (16 U.S.C. 3839bb-2), \$6,500,000, to remain available until expended.

DAIRY INDEMNITY PROGRAM  
(INCLUDING TRANSFER OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers and manufacturers of dairy products under a dairy indemnity program, such sums as may be necessary, to remain available until expended: Provided, That such program is carried out by the Secretary in the same manner as the dairy indemnity program described in the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001 (Public Law 106-387, 114 Stat. 1549A-12).

AGRICULTURAL CREDIT INSURANCE FUND  
PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed farm ownership (7 U.S.C. 1922 et seq.) and operating (7 U.S.C. 1941 et seq.) loans, emergency loans (7 U.S.C. 1961 et seq.), Indian tribe land acquisition loans (25 U.S.C. 488), boll weevil loans (7 U.S.C. 1989), guaranteed conservation loans (7 U.S.C. 1924 et seq.), and Indian highly fractionated land loans (25 U.S.C. 488) to be available from funds in the Agricultural Credit Insurance Fund, as follows: \$2,750,000,000 for guaranteed farm ownership loans and \$1,500,000,000 for farm ownership direct loans; \$1,960,000,000 for unsubsidized guaranteed operating loans and \$1,550,133,000 for direct operating loans; emergency loans, \$37,668,000; Indian tribe land acquisition loans, \$20,000,000; guaranteed conservation loans, \$150,000,000; Indian highly fractionated land loans, \$10,000,000; and for boll weevil eradication program loans, \$20,000,000: Provided, That the Secretary shall deem the pink bollworm to be a boll weevil for the purpose of boll weevil eradication program loans.

For the cost of direct and guaranteed loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm operating loans, \$58,440,000 for direct operating loans, \$20,972,000 for unsubsidized guaranteed operating loans; emergency loans, \$2,023,000; \$2,745,000 for Indian highly fractionated land loans; and \$20,000 for boll weevil eradication loans; to remain available until expended.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$317,068,000: Provided, That of this amount, \$290,917,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses": Provided further, That of this amount \$16,081,000 shall be transferred to and merged with the appropriation for "Farm Production and Conservation Business Center, Salaries and Expenses".

Funds appropriated by this Act to the Agricultural Credit Insurance Program Account for farm ownership, operating and conservation direct loans and guaranteed loans may be transferred among these programs: Provided, That the Committees on Appropriations of both Houses of Congress are notified at least 15 days in advance of any transfer.



RISK MANAGEMENT AGENCY  
SALARIES AND EXPENSES

For necessary expenses of the Risk Management Agency, \$58,361,000: Provided, That not to exceed \$1,000 shall be available for official reception and representation expenses, as authorized by 7 U.S.C. 1506(i).

NATURAL RESOURCES CONSERVATION SERVICE  
CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed \$100 pursuant to the Act of August 3, 1956 (7 U.S.C. 2268a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, \$829,628,000, to remain available until September 30, 2021: Provided, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed \$250,000: Provided further, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to surveys and investigations, engineering operations, works of improvement, and changes in use of land, in accordance with the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001–1005 and 1007–1009) and in accordance with the provisions of laws relating to the activities of the Department, \$155,000,000, to remain available until expended: Provided, That for funds provided by this Act or any other prior Act, the limitation regarding the size of the watershed or subwatershed exceeding two hundred and fifty thousand acres in which such activities can be undertaken shall only apply for activities undertaken for the primary purpose of flood prevention (including structural and land treatment measures): Provided further, That of the amounts made available under this heading, \$52,500,000 shall be allocated to projects and activities that can commence promptly following enactment; that address regional priorities for flood prevention, agricultural water management, inefficient irrigation systems, fish and wildlife habitat, or watershed protection; or that address authorized ongoing projects under the authorities of section 13 of the Flood Control Act of December 22, 1944 (Public Law 78–534) with a primary purpose of watershed protection by preventing floodwater damage and stabilizing stream channels, tributaries, and banks to reduce erosion and sediment transport.

WATERSHED REHABILITATION PROGRAM

Under the authorities of section 14 of the Watershed Protection and Flood Prevention Act, \$12,000,000 is provided: Provided, That of the amounts made available under this heading, \$5,000,000 shall remain available until expended for watershed rehabilitation projects in states with high-hazard dams and other watershed structures and that have recently incurred flooding events which caused fatalities.

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within

the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act (7 U.S.C. 1516), such sums as may be necessary, to remain available until expended.

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

(INCLUDING TRANSFERS OF FUNDS)

For the current fiscal year, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed, pursuant to section 2 of the Act of August 17, 1961 (15 U.S.C. 713a–11): Provided, That of the funds available to the Commodity Credit Corporation under section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i) for the conduct of its business with the Foreign Agricultural Service, up to \$5,000,000 may be transferred to and used by the Foreign Agricultural Service for information resource management activities of the Foreign Agricultural Service that are not related to Commodity Credit Corporation business.

HAZARDOUS WASTE MANAGEMENT

(LIMITATION ON EXPENSES)

For the current fiscal year, the Commodity Credit Corporation shall not expend more than \$5,000,000 for site investigation and cleanup expenses, and operations and maintenance expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9607(g)), and section 6001 of the Solid Waste Disposal Act (42 U.S.C. 6961).

TITLE III

RURAL DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL DEVELOPMENT

For necessary expenses for the Office of the Under Secretary for Rural Development, \$800,000: Provided, That funds made available by this Act to an agency in the Rural Development mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

RURAL DEVELOPMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for carrying out the administration and implementation of Rural Development programs, including activities with institutions concerning the development and operation of agricultural cooperatives; and for cooperative agreements; \$255,835,000: Provided, That notwithstanding any other provision of law, funds appropriated under this heading may be used for advertising and promotional activities that support Rural Development programs: Provided further, That of the amounts made available under this paragraph, no less than 4,566 full-time equivalent employees salaries and expenses shall be supported: Provided further, That in addition to any other funds appropriated for purposes authorized by section 502(i) of the Housing Act of 1949 (42 U.S.C. 1472(i)), any amounts collected under such section, as amended by this Act, will immediately be credited to this account and will remain available until expended for such purposes.

RURAL HOUSING SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM  
ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, to be available from funds in the rural housing insurance fund, as follows: \$1,000,000,000 shall be for direct loans and \$24,000,000,000 shall be for unsubsidized guaranteed loans; \$28,000,000 for section 504 housing repair loans; \$45,000,000 for section 515 rental housing; \$250,000,000 for section 538 guaranteed multi-family housing loans; \$10,000,000 for credit sales of single family housing acquired property; \$5,000,000 for section 523 self-help housing land development loans; and \$5,000,000 for section 524 site development loans.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, \$112,900,000 shall be for direct loans; section 504 housing repair loans, \$4,679,000; section 523 self-help housing land development loans, \$577,000; section 524 site development loans, \$546,000; and repair, rehabilitation, and new construction of section 515 rental housing, \$13,662,000: Provided, That to support the loan program level for section 538 guaranteed loans made available under this heading the Secretary may charge or adjust any fees to cover the projected cost of such loan guarantees pursuant to the provisions of the Credit Reform Act of 1990 (2 U.S.C. 661 et seq.), and the interest on such loans may not be subsidized: Provided further, That applicants in communities that have a current rural area waiver under section 541 of the Housing Act of 1949 (42 U.S.C. 1490q) shall be treated as living in a rural area for purposes of section 502 guaranteed loans provided under this heading: Provided further, That of the amounts available under this paragraph for section 502 direct loans, no less than \$5,000,000 shall be available for direct loans for individuals whose homes will be built pursuant to a program funded with a mutual and self-help housing grant authorized by section 523 of the Housing Act of 1949 until June 1, 2020: Provided further, That the Secretary shall implement provisions to provide incentives to nonprofit organizations and public housing authorities to facilitate the acquisition of Rural Housing Service (RHS) multifamily housing properties by such nonprofit organizations and public housing authorities that commit to keep such properties in the RHS multifamily housing program for a period of time as determined by the Secretary, with such incentives to include, but not be limited to, the following: allow such nonprofit entities and public housing authorities to earn a Return on Investment on their own resources to include proceeds from low income housing tax credit syndication, own contributions, grants, and developer loans at favorable rates and terms, invested in a deal; and allow reimbursement of organizational costs associated with owner's oversight of asset referred to as "Asset Management Fee" of up to \$7,500 per property.

In addition, for the cost of direct loans, grants, and contracts, as authorized by sections 514 and 516 of the Housing Act of 1949 (42 U.S.C. 1484, 1486), \$19,363,000, to remain available until expended, for direct farm labor housing loans and domestic farm labor housing grants and contracts: Provided, That any balances available for the Farm Labor Program Account shall be transferred to and merged with this account.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$412,254,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) of the Housing Act of 1949 or

agreements entered into in lieu of debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, \$1,375,000,000, of which \$40,000,000 shall be available until September 30, 2021; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: Provided, That rental assistance agreements entered into or renewed during the current fiscal year shall be funded for a one-year period: Provided further, That any unexpended balances remaining at the end of such one-year agreements may be transferred and used for purposes of any debt reduction; maintenance, repair, or rehabilitation of any existing projects; preservation; and rental assistance activities authorized under title V of the Act: Provided further, That rental assistance provided under agreements entered into prior to fiscal year 2020 for a farm labor multi-family housing project financed under section 514 or 516 of the Act may not be recaptured for use in another project until such assistance has remained unused for a period of 12 consecutive months, if such project has a waiting list of tenants seeking such assistance or the project has rental assistance eligible tenants who are not receiving such assistance: Provided further, That such recaptured rental assistance shall, to the extent practicable, be applied to another farm labor multi-family housing project financed under section 514 or 516 of the Act: Provided further, That except as provided in the third proviso under this heading and notwithstanding any other provision of the Act, the Secretary may recapture rental assistance provided under agreements entered into prior to fiscal year 2020 for a project that the Secretary determines no longer needs rental assistance and use such recaptured funds for current needs.

#### MULTI-FAMILY HOUSING REVITALIZATION PROGRAM ACCOUNT

For the rural housing voucher program as authorized under section 542 of the Housing Act of 1949, but notwithstanding subsection (b) of such section, and for additional costs to conduct a demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph, \$75,000,000, to remain available until expended: Provided, That of the funds made available under this heading, \$35,000,000, shall be available for rural housing vouchers to any low-income household (including those not receiving rental assistance) residing in a property financed with a section 515 loan which has been prepaid after September 30, 2005: Provided further, That the amount of such voucher shall be the difference between comparable market rent for the section 515 unit and the tenant paid rent for such unit: Provided further, That funds made available for such vouchers shall be subject to the availability of annual appropriations: Provided further, That the Secretary shall, to the maximum extent practicable, administer such vouchers with current regulations and administrative guidance applicable to section 8 housing vouchers administered by the Secretary of the Department of Housing and Urban Development: Provided further, That if the Secretary determines that the amount made available for vouchers in this or any other Act is not needed for vouchers, the Secretary may use such funds for the demonstration program for the preservation and revitalization of multi-family rental housing properties described in this paragraph: Provided further, That of the funds made available under this heading, \$40,000,000 shall be available for a demonstration program for the preservation and revitalization of the sections 514, 515, and 516 multi-family rental housing properties to restructure existing USDA multi-family housing loans, as the Secretary deems appropriate, expressly for the purposes of ensuring the project has sufficient resources to pre-

serve the project for the purpose of providing safe and affordable housing for low-income residents and farm laborers including reducing or eliminating interest; deferring loan payments, subordinating, reducing or reamortizing loan debt; and other financial assistance including advances, payments and incentives (including the ability of owners to obtain reasonable returns on investment) required by the Secretary: Provided further, That the Secretary shall as part of the preservation and revitalization agreement obtain a restrictive use agreement consistent with the terms of the restructuring: Provided further, That if the Secretary determines that additional funds for vouchers described in this paragraph are needed, funds for the preservation and revitalization demonstration program may be used for such vouchers: Provided further, That if Congress enacts legislation to permanently authorize a multi-family rental housing loan restructuring program similar to the demonstration program described herein, the Secretary may use funds made available for the demonstration program under this heading to carry out such legislation with the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That in addition to any other available funds, the Secretary may expend not more than \$1,000,000 total, from the program funds made available under this heading, for administrative expenses for activities funded under this heading.

#### MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), \$32,000,000, to remain available until expended.

#### RURAL HOUSING ASSISTANCE GRANTS

For grants for very low-income housing repair and rural housing preservation made by the Rural Housing Service, as authorized by 42 U.S.C. 1474, and 1490m, \$45,000,000, to remain available until expended.

#### RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

##### (INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$2,800,000,000 for direct loans and \$250,000,000 for guaranteed loans.

For the cost of grants for rural community facilities programs as authorized by section 306 and described in section 381E(d)(1) of the Consolidated Farm and Rural Development Act, \$71,000,000, to remain available until expended: Provided, That \$8,000,000 of the amount appropriated under this heading shall be available for a Rural Community Development Initiative: Provided further, That such funds shall be used solely to develop the capacity and ability of private, nonprofit community-based housing and community development organizations, low-income rural communities, and Federally Recognized Native American Tribes to undertake projects to improve housing, community facilities, community and economic development projects in rural areas: Provided further, That such funds shall be made available to qualified private, nonprofit and public intermediary organizations proposing to carry out a program of financial and technical assistance: Provided further, That such intermediary organizations shall provide matching funds from other sources, including Federal funds for related activities, in an amount not less than funds provided: Provided further, That \$6,000,000 of the amount appropriated under this heading shall be to provide grants for facilities in rural communities with extreme unemployment and severe economic depression (Public Law 106-387), with up to 5 percent for administration and capacity building in the State rural development offices: Provided further, That \$7,000,000 of the amount

appropriated under this heading shall be available for community facilities grants to tribal colleges, as authorized by section 306(a)(19) of such Act: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

#### RURAL BUSINESS—COOPERATIVE SERVICE

##### RURAL BUSINESS PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For the cost of loan guarantees and grants, for the rural business development programs authorized by section 310B and described in subsections (a), (c), (f) and (g) of section 310B of the Consolidated Farm and Rural Development Act, \$67,600,000, to remain available until expended: Provided, That of the amount appropriated under this heading, not to exceed \$500,000 shall be made available for one grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development and \$8,000,000 shall be for grants to the Delta Regional Authority (7 U.S.C. 2009aa et seq.), the Northern Border Regional Commission (40 U.S.C. 15101 et seq.), and the Appalachian Regional Commission (40 U.S.C. 14101 et seq.) for any Rural Community Advancement Program purpose as described in section 381E(d) of the Consolidated Farm and Rural Development Act, of which not more than 5 percent may be used for administrative expenses: Provided further, That \$4,000,000 of the amount appropriated under this heading shall be for business grants to benefit Federally Recognized Native American Tribes, including \$250,000 for a grant to a qualified national organization to provide technical assistance for rural transportation in order to promote economic development: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to funds made available under this heading.

##### INTERMEDIARY RELENDING PROGRAM FUND ACCOUNT

##### (INCLUDING TRANSFER OF FUNDS)

For the principal amount of direct loans, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), \$18,889,000.

For the cost of direct loans, \$5,219,000, as authorized by the Intermediary Relending Program Fund Account (7 U.S.C. 1936b), of which \$557,000 shall be available through June 30, 2020, for Federally Recognized Native American Tribes; and of which \$1,072,000 shall be available through June 30, 2020, for Mississippi Delta Region counties (as determined in accordance with Public Law 100-460): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan programs, \$4,468,000 shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

##### RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

For the principal amount of direct loans, as authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, \$50,000,000.

The cost of grants authorized under section 313B(a) of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects shall not exceed \$10,000,000.

##### RURAL COOPERATIVE DEVELOPMENT GRANTS

For rural cooperative development grants authorized under section 310B(e) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932), \$29,800,000, of which \$3,000,000 shall be for cooperative agreements for the appropriate technology transfer for rural areas



program: Provided, That not to exceed \$3,000,000 shall be for grants for cooperative development centers, individual cooperatives, or groups of cooperatives that serve socially disadvantaged groups and a majority of the boards of directors or governing boards of which are comprised of individuals who are members of socially disadvantaged groups; and of which \$18,000,000, to remain available until expended, shall be for value-added agricultural product market development grants, as authorized by section 210A of the Agricultural Marketing Act of 1946, of which \$3,000,000 may be used for Agriculture Innovation Centers authorized pursuant to section 6402 of Public Law 107-171.

#### RURAL MICROENTREPRENEUR ASSISTANCE PROGRAM

For the cost of loans and grants, \$6,000,000 under the same terms and conditions as authorized by section 379E of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008s): Provided, That such costs of loans, including the cost of modifying such loans, shall be defined in section 502 of the Congressional Budget Act of 1974.

#### RURAL ENERGY FOR AMERICA PROGRAM

For the cost of a program of loan guarantees, under the same terms and conditions as authorized by section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107), \$353,000: Provided, That the cost of loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

#### RURAL UTILITIES SERVICE

##### RURAL WATER AND WASTE DISPOSAL PROGRAM ACCOUNT

###### (INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants for rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B and described in sections 306C(a)(2), 306D, 306E, and 381E(d)(2) of the Consolidated Farm and Rural Development Act, \$718,480,000, to remain available until expended, of which not to exceed \$1,000,000 shall be available for the rural utilities program described in section 306A(2)(B) of such Act, and of which not to exceed \$15,000,000 shall be available for the rural utilities program described in section 306E of such Act: Provided, That not to exceed \$15,000,000 of the amount appropriated under this heading shall be for grants authorized by section 306A(i)(2) of the Consolidated Farm and Rural Development Act in addition to funding authorized by section 306A(i)(1) of such Act and such grants may not exceed \$1,000,000 notwithstanding section 306A(f)(1) of such Act: Provided further, That \$70,000,000 of the amount appropriated under this heading shall be for loans and grants including water and waste disposal systems grants authorized by section 306C(a)(2)(B) and section 306D of the Consolidated Farm and Rural Development Act, and Federally Recognized Native American Tribes authorized by 306C(a)(1) of such Act: Provided further, That funding provided for section 306D of the Consolidated Farm and Rural Development Act may be provided to a consortium formed pursuant to section 325 of Public Law 105-83: Provided further, That not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by the State of Alaska for training and technical assistance programs and not more than 2 percent of the funding provided for section 306D of the Consolidated Farm and Rural Development Act may be used by a consortium formed pursuant to section 325 of Public Law 105-83 for training and technical assistance programs: Provided further, That not to exceed \$30,000,000 of the amount appropriated under this heading shall be for technical assistance grants for rural water and waste systems pursuant to section 306(a)(14) of such Act, unless the

Secretary makes a determination of extreme need, of which \$9,000,000 shall be made available for a grant to a qualified nonprofit multi-State regional technical assistance organization, with experience in working with small communities on water and waste water problems, the principal purpose of such grant shall be to assist rural communities with populations of 3,300 or less, in improving the planning, financing, development, operation, and management of water and waste water systems, and of which not less than \$800,000 shall be for a qualified national Native American organization to provide technical assistance for rural water systems for tribal communities: Provided further, That not to exceed \$19,570,000 of the amount appropriated under this heading shall be for contracting with qualified national organizations for a circuit rider program to provide technical assistance for rural water systems: Provided further, That not to exceed \$4,000,000 shall be for solid waste management grants: Provided further, That sections 381E-H and 381N of the Consolidated Farm and Rural Development Act are not applicable to the funds made available under this heading.

#### RURAL ELECTRIFICATION AND TELECOMMUNICATIONS LOANS PROGRAM ACCOUNT (INCLUDING TRANSFER OF FUNDS)

The principal amount of direct and guaranteed loans as authorized by sections 305, 306, and 317 of the Rural Electrification Act of 1936 (7 U.S.C. 935, 936, and 940g) shall be made as follows: loans made pursuant to sections 305, 306, and 317, notwithstanding 317(c), of that Act, rural electric, \$5,500,000,000; guaranteed underwriting loans pursuant to section 313A of that Act, \$750,000,000; 5 percent rural telecommunications loans, cost of money rural telecommunications loans, and for loans made pursuant to section 306 of that Act, rural telecommunications loans, \$690,000,000: Provided, That up to \$2,000,000,000 shall be used for the construction, acquisition, design and engineering or improvement of fossil-fueled electric generating plants (whether new or existing) that utilize carbon subsurface utilization and storage systems.

For the cost of direct loans as authorized by section 305 of the Rural Electrification Act of 1936 (7 U.S.C. 935), including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, cost of money rural telecommunications loans, \$3,795,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, \$33,270,000, which shall be transferred to and merged with the appropriation for "Rural Development, Salaries and Expenses".

#### DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND PROGRAM

For the principal amount of broadband telecommunication loans, \$29,851,000.

For grants for telemedicine and distance learning services in rural areas, as authorized by 7 U.S.C. 950aaa et seq., \$50,000,000, to remain available until expended: Provided, That \$3,000,000 shall be made available for grants authorized by 379G of the Consolidated Farm and Rural Development Act: Provided further, That funding provided under this heading for grants under 379G of the Consolidated Farm and Rural Development Act may only be provided to entities that meet all of the eligibility criteria for a consortium as established by this section.

For the cost of broadband loans, as authorized by section 601 of the Rural Electrification Act, \$5,830,000, to remain available until expended: Provided, That the cost of direct loans shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, \$50,000,000, to remain available until expended, for a grant program to finance broadband transmission in rural areas eligible for Distance Learning and Telemedicine Program benefits authorized by 7 U.S.C. 950aaa et seq.

#### TITLE IV

##### DOMESTIC FOOD PROGRAMS

##### OFFICE OF THE UNDER SECRETARY FOR FOOD, NUTRITION, AND CONSUMER SERVICES

For necessary expenses of the Office of the Under Secretary for Food, Nutrition, and Consumer Services, \$800,000: Provided, That funds made available by this Act to an agency in the Food, Nutrition and Consumer Services mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

##### FOOD AND NUTRITION SERVICE

##### CHILD NUTRITION PROGRAMS

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), except section 21, and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.), except sections 17 and 21; \$24,040,885,000 to remain available through September 30, 2021, of which such sums as are made available under section 14222(b)(1) of the Food, Conservation, and Energy Act of 2008 (Public Law 110-246), as amended by this Act, shall be merged with and available for the same time period and purposes as provided herein: Provided, That of the total amount available, \$18,004,000 shall be available to carry out section 19 of the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.): Provided further, That of the total amount available, \$35,000,000 shall be available to provide competitive grants to State agencies for subgrants to local educational agencies and schools to purchase the equipment, with a value of greater than \$1,000, needed to serve healthier meals, improve food safety, and to help support the establishment, maintenance, or expansion of the school breakfast program: Provided further, That of the total amount available, \$50,000,000 shall remain available until expended to carry out section 749(g) of the Agriculture Appropriations Act of 2010 (Public Law 111-80): Provided further, That section 26(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769g(d)) is amended in the first sentence by striking "2010 through 2019" and inserting "2010 through 2021": Provided further, That section 9(h)(3) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(3)) is amended by striking "For fiscal year 2019" and inserting "For fiscal years 2020 and 2021": Provided further, That section 9(h)(4) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(h)(4)) is amended by striking "For fiscal year 2019" and inserting "For fiscal years 2020 and 2021".

##### SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$6,000,000,000, to remain available through September 30, 2021: Provided, That notwithstanding section 17(h)(10) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(h)(10)), not less than \$90,000,000 shall be used for breastfeeding peer counselors and other related activities, and \$14,000,000 shall be used for infrastructure: Provided further, That none of the funds provided in this account shall be available for the purchase of infant formula except in accordance with the cost containment and competitive bidding requirements specified in section 17 of such Act: Provided further, That none of the funds provided shall be available for activities that are not fully reimbursed by other Federal Government departments or agencies unless authorized by section 17 of such Act: Provided further, That upon termination of a federally mandated vendor moratorium and subject to terms and conditions established by the Secretary, the Secretary may waive the requirement at 7 CFR 246.12(g)(6) at the request of a State agency.

## SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

For necessary expenses to carry out the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.), \$71,093,908,000, of which \$5,000,000,000, to remain available through December 31, 2021, shall be placed in reserve for use only in such amounts and at such times as may become necessary to carry out program operations: Provided, That funds provided herein shall be expended in accordance with section 16 of the Food and Nutrition Act of 2008: Provided further, That of the funds made available under this heading, \$998,000 may be used to provide nutrition education services to State agencies and Federally Recognized Tribes participating in the Food Distribution Program on Indian Reservations: Provided further, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: Provided further, That funds made available for Employment and Training under this heading shall remain available through September 30, 2021: Provided further, That funds made available under this heading for section 28(d)(1), section 4(b), and section 27(a) of the Food and Nutrition Act of 2008 shall remain available through September 30, 2021: Provided further, That none of the funds made available under this heading may be obligated or expended in contravention of section 213A of the Immigration and Nationality Act (8 U.S.C. 1183A): Provided further, That funds made available under this heading may be used to enter into contracts and employ staff to conduct studies, evaluations, or to conduct activities related to program integrity provided that such activities are authorized by the Food and Nutrition Act of 2008.

## COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out disaster assistance and the Commodity Supplemental Food Program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c note); the Emergency Food Assistance Act of 1983; special assistance for the nuclear affected islands, as authorized by section 103(f)(2) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188); and the Farmers' Market Nutrition Program, as authorized by section 17(m) of the Child Nutrition Act of 1966, \$344,248,000, to remain available through September 30, 2021: Provided, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: Provided further, That notwithstanding any other provision of law, effective with funds made available in fiscal year 2020 to support the Seniors Farmers' Market Nutrition Program, as authorized by section 4402 of the Farm Security and Rural Investment Act of 2002, such funds shall remain available through September 30, 2021: Provided further, That of the funds made available under section 27(a) of the Food and Nutrition Act of 2008 (7 U.S.C. 2036(a)), the Secretary may use up to 15 percent for costs associated with the distribution of commodities.

## NUTRITION PROGRAMS ADMINISTRATION

For necessary administrative expenses of the Food and Nutrition Service for carrying out any domestic nutrition assistance program, \$154,041,000: Provided, That of the funds provided herein, \$2,000,000 shall be used for the purposes of section 4404 of Public Law 107-171, as amended by section 4401 of Public Law 110-246.

## TITLE V

## FOREIGN ASSISTANCE AND RELATED PROGRAMS

## OFFICE OF THE UNDER SECRETARY FOR TRADE AND FOREIGN AGRICULTURAL AFFAIRS

For necessary expenses of the Office of the Under Secretary for Trade and Foreign Agricultural Affairs, \$875,000: Provided, That funds made available by this Act to an agency in the

Trade and Foreign Agricultural Affairs mission area for salaries and expenses are available to fund up to one administrative support staff for the Office.

## OFFICE OF CODEX ALIMENTARIUS

For necessary expenses of the Office of Codex Alimentarius, \$4,775,000, including not to exceed \$40,000 for official reception and representation expenses.

## FOREIGN AGRICULTURAL SERVICE

## SALARIES AND EXPENSES

## (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including not to exceed \$250,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), \$215,513,000, of which no more than 6 percent shall remain available until September 30, 2021, for overseas operations to include the payment of locally employed staff: Provided, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1737) and the foreign assistance programs of the United States Agency for International Development: Provided further, That funds made available for middle-income country training programs, funds made available for the Borlaug International Agricultural Science and Technology Fellowship program, and up to \$2,000,000 of the Foreign Agricultural Service appropriation solely for the purpose of offsetting fluctuations in international currency exchange rates, subject to documentation by the Foreign Agricultural Service, shall remain available until expended.

## FOOD FOR PEACE TITLE I DIRECT CREDIT AND

## FOOD FOR PROGRESS PROGRAM ACCOUNT

## (INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the credit program of title I, Food for Peace Act (Public Law 83-480) and the Food for Progress Act of 1985, \$142,000, shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

## FOOD FOR PEACE TITLE II GRANTS

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Food for Peace Act (Public Law 83-480), for commodities supplied in connection with dispositions abroad under title II of said Act, \$1,850,000,000, to remain available until expended.

## MCGOVERN-DOLE INTERNATIONAL FOOD FOR EDUCATION AND CHILD NUTRITION PROGRAM GRANTS

For necessary expenses to carry out the provisions of section 3107 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1), \$235,000,000, to remain available until expended: Provided, That the Commodity Credit Corporation is authorized to provide the services, facilities, and authorities for the purpose of implementing such section, subject to reimbursement from amounts provided herein: Provided further, That of the amount made available under this heading, \$25,000,000, shall remain available until expended to purchase agricultural commodities as described in subsection 3107(a)(2) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 1736o-1(a)(2)).

## COMMODITY CREDIT CORPORATION EXPORT (LOANS) CREDIT GUARANTEE PROGRAM ACCOUNT (INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's Export Guarantee Program, GSM 102 and GSM 103, \$8,845,000, to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in con-

formity with the Federal Credit Reform Act of 1990, of which \$6,382,000 shall be transferred to and merged with the appropriation for "Foreign Agricultural Service, Salaries and Expenses", and of which \$2,463,000 shall be transferred to and merged with the appropriation for "Farm Service Agency, Salaries and Expenses".

## TITLE VI

## RELATED AGENCY AND FOOD AND DRUG ADMINISTRATION

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

## FOOD AND DRUG ADMINISTRATION

## SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for payment of space rental and related costs pursuant to Public Law 92-313 for programs and activities of the Food and Drug Administration which are included in this Act; for rental of special purpose space in the District of Columbia or elsewhere; in addition to amounts appropriated to the FDA Innovation Account, for carrying out the activities described in section 1002(b)(4) of the 21st Century Cures Act (Public Law 114-255); for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$25,000; and notwithstanding section 521 of Public Law 107-188; \$5,848,357,000: Provided, That of the amount provided under this heading, \$1,062,367,000 shall be derived from prescription drug user fees authorized by 21 U.S.C. 379h, and shall be credited to this account and remain available until expended; \$219,527,000 shall be derived from medical device user fees authorized by 21 U.S.C. 379j, and shall be credited to this account and remain available until expended; \$511,682,000 shall be derived from human generic drug user fees authorized by 21 U.S.C. 379j-42, and shall be credited to this account and remain available until expended; \$39,618,000 shall be derived from biosimilar biological product user fees authorized by 21 U.S.C. 379j-52, and shall be credited to this account and remain available until expended; \$30,524,000 shall be derived from animal drug user fees authorized by 21 U.S.C. 379j-12, and shall be credited to this account and remain available until expended; \$18,700,000 shall be derived from generic new animal drug user fees authorized by 21 U.S.C. 379j-21, and shall be credited to this account and remain available until expended; \$712,000,000 shall be derived from tobacco product user fees authorized by 21 U.S.C. 387s, and shall be credited to this account and remain available until expended: Provided further, That in addition to and notwithstanding any other provision under this heading, amounts collected for prescription drug user fees, medical device user fees, human generic drug user fees, biosimilar biological product user fees, animal drug user fees, and generic new animal drug user fees that exceed the respective fiscal year 2020 limitations are appropriated and shall be credited to this account and remain available until expended: Provided further, That fees derived from prescription drug, medical device, human generic drug, biosimilar biological product, animal drug, and generic new animal drug assessments for fiscal year 2020, including any such fees collected prior to fiscal year 2020 but credited for fiscal year 2020, shall be subject to the fiscal year 2020 limitations: Provided further, That the Secretary may accept payment during fiscal year 2020 of user fees specified under this heading and authorized for fiscal year 2021, prior to the due date for such fees, and that amounts of such fees assessed for fiscal year 2021 for which the Secretary accepts payment in fiscal year 2020 shall not be included in amounts under this heading: Provided further, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701: Provided further, That of the total amount appropriated:

(1) \$1,100,560,000 shall be for the Center for Food Safety and Applied Nutrition and related field activities in the Office of Regulatory Affairs, of which no less than \$15,000,000 shall be used for inspections of foreign seafood manufacturers and field examinations of imported seafood; (2) \$1,978,674,000 shall be for the Center for Drug Evaluation and Research and related field activities in the Office of Regulatory Affairs; (3) \$431,561,000 shall be for the Center for Biologics Evaluation and Research and for related field activities in the Office of Regulatory Affairs; (4) \$242,558,000 shall be for the Center for Veterinary Medicine and for related field activities in the Office of Regulatory Affairs; (5) \$606,469,000 shall be for the Center for Devices and Radiological Health and for related field activities in the Office of Regulatory Affairs; (6) \$66,512,000 shall be for the National Center for Toxicological Research; (7) \$661,739,000 shall be for the Center for Tobacco Products and for related field activities in the Office of Regulatory Affairs; (8) \$191,800,000 shall be for Rent and Related activities, of which \$56,043,000 is for White Oak Consolidation, other than the amounts paid to the General Services Administration for rent; (9) \$240,079,000 shall be for payments to the General Services Administration for rent; and (10) \$328,405,000 shall be for other activities, including the Office of the Commissioner of Food and Drugs, the Office of Foods and Veterinary Medicine, the Office of Medical and Tobacco Products, the Office of Global and Regulatory Policy, the Office of Operations, the Office of the Chief Scientist, and central services for these offices: Provided further, That not to exceed \$25,000 of this amount shall be for official reception and representation expenses, not otherwise provided for, as determined by the Commissioner: Provided further, That any transfer of funds pursuant to section 770(n) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379dd(n)) shall only be from amounts made available under this heading for other activities: Provided further, That funds may be transferred from one specified activity to another with the prior approval of the Committees on Appropriations of both Houses of Congress.

In addition, mammography user fees authorized by 42 U.S.C. 263b, export certification user fees authorized by 21 U.S.C. 381, priority review user fees authorized by 21 U.S.C. 360n and 360ff, food and feed recall fees, food reinspection fees, and voluntary qualified importer program fees authorized by 21 U.S.C. 379j–31, outsourcing facility fees authorized by 21 U.S.C. 379j–62, prescription drug wholesale distributor licensing and inspection fees authorized by 21 U.S.C. 353(e)(3), third-party logistics provider licensing and inspection fees authorized by 21 U.S.C. 360eee–3(c)(1), third-party auditor fees authorized by 21 U.S.C. 384d(c)(8), and medical countermeasure priority review voucher user fees authorized by 21 U.S.C. 360bbb–4a, and, contingent upon the enactment of the Over-the-Counter Monograph User Fee Act of 2019, fees relating to over-the-counter monograph drugs authorized by part 10 of subchapter C of chapter VII of the Federal Food, Drug and Cosmetic Act shall be credited to this account, to remain available until expended.

#### BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, demolition, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provided, \$11,788,000, to remain available until expended.

#### FDA INNOVATION ACCOUNT, CURES ACT (INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the purposes described under section 1002(b)(4) of the 21st Century Cures Act, in addition to amounts available for such purposes under the heading “Salaries and Expenses”, \$75,000,000, to remain available until expended: Provided, That

amounts appropriated in this paragraph are appropriated pursuant to section 1002(b)(3) of the 21st Century Cures Act, are to be derived from amounts transferred under section 1002(b)(2)(A) of such Act, and may be transferred by the Commissioner of Food and Drugs to the appropriation for “Department of Health and Human Services Food and Drug Administration Salaries and Expenses” solely for the purposes provided in such Act: Provided further, That upon a determination by the Commissioner that funds transferred pursuant to the previous proviso are not necessary for the purposes provided, such amounts may be transferred back to the account: Provided further, That such transfer authority is in addition to any other transfer authority provided by law.

#### INDEPENDENT AGENCIES

##### COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles, and the rental of space (to include multiple year leases), in the District of Columbia and elsewhere, \$284,000,000, including not to exceed \$3,000 for official reception and representation expenses, and not to exceed \$25,000 for the expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, of which not less than \$57,000,000, to remain available until September 30, 2021, shall be for the purchase of information technology and of which not less than \$3,386,000 shall be for expenses of the Office of the Inspector General: Provided, That notwithstanding the limitations in 31 U.S.C. 1553, amounts provided under this heading are available for the liquidation of obligations equal to current year payments on leases entered into prior to the date of enactment of this Act: Provided further, That for the purpose of recording and liquidating any lease obligations that should have been recorded and liquidated against accounts closed pursuant to 31 U.S.C. 1552, and consistent with the preceding proviso, such amounts shall be transferred to and recorded in a no-year account in the Treasury, which has been established for the sole purpose of recording adjustments for and liquidating such unpaid obligations.

In addition, for move, replication, and related costs associated with replacement leases for the Commission’s facilities, not to exceed \$31,000,000, to remain available until expended.

#### FARM CREDIT ADMINISTRATION

##### LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed \$76,000,000 (from assessments collected from farm credit institutions, including the Federal Agricultural Mortgage Corporation) shall be obligated during the current fiscal year for administrative expenses as authorized under 12 U.S.C. 2249: Provided, That this limitation shall not apply to expenses associated with receiverships: Provided further, That the agency may exceed this limitation by up to 10 percent with notification to the Committees on Appropriations of both Houses of Congress.

#### TITLE VII

##### GENERAL PROVISIONS

##### (INCLUDING RESCISSIONS AND TRANSFERS OF FUNDS)

SEC. 701. The Secretary may use any appropriations made available to the Department of Agriculture in this Act to purchase new passenger motor vehicles, in addition to specific appropriations for this purpose, so long as the total number of vehicles purchased in fiscal year 2020 does not exceed the number of vehicles owned or leased in fiscal year 2018: Provided, That, prior to purchasing additional motor vehicles, the Secretary must determine that such vehicles are necessary for transportation safety, to reduce operational costs, and for the protection of life, property, and public safety: Provided further, That the Secretary may not increase

the Department of Agriculture’s fleet above the 2018 level unless the Secretary notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress within 30 days of the notification.

SEC. 702. Notwithstanding any other provision of this Act, the Secretary of Agriculture may transfer unobligated balances of discretionary funds appropriated by this Act or any other available unobligated discretionary balances that are remaining available of the Department of Agriculture to the Working Capital Fund for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture, such transferred funds to remain available until expended: Provided, That none of the funds made available by this Act or any other Act shall be transferred to the Working Capital Fund without the prior approval of the agency administrator: Provided further, That none of the funds transferred to the Working Capital Fund pursuant to this section shall be available for obligation without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That none of the funds appropriated by this Act or made available to the Department’s Working Capital Fund shall be available for obligation or expenditure to make any changes to the Department’s National Finance Center without written notification to and prior approval of the Committees on Appropriations of both Houses of Congress at least 30 days in advance of such changes: Provided further, That none of the funds appropriated by this Act or made available to the Department’s Working Capital Fund shall be available for obligation or expenditure to initiate, plan, develop, implement, or make any changes to remove or relocate any systems, missions, or functions of the offices of the Chief Financial Officer or any personnel from the National Finance Center prior to written notification to and prior approval of the Committee on Appropriations of both Houses of Congress at least 30 days in advance of such actions: Provided further, That the Secretary of Agriculture and the offices of the Chief Financial Officer shall actively market to existing and new Departments and other government agencies National Finance Center shared services including, but not limited to, payroll, financial management, and human capital shared services and allow the National Finance Center to perform technology upgrades: Provided further, That of annual income amounts in the Working Capital Fund of the Department of Agriculture attributable to the amounts in excess of the true costs of the shared services provided by the National Finance Center and budgeted for the National Finance Center, the Secretary shall reserve not more than 4 percent for the replacement or acquisition of capital equipment, including equipment for the improvement, delivery, and implementation of financial, administrative, and information technology services, and other systems of the National Finance Center or to pay any unforeseen, extraordinary cost of the National Finance Center: Provided further, That none of the amounts reserved shall be available for obligation unless the Secretary submits written notification of the obligation to the Committees on Appropriations of both Houses of Congress: Provided further, That the limitations on the obligation of funds pending notification to Congressional Committees shall not apply to any obligation that, as determined by the Secretary, is necessary to respond to a declared state of emergency that significantly impacts the operations of the National Finance Center; or to evacuate employees of the National Finance Center to a safe haven to continue operations of the National Finance Center.

SEC. 703. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 704. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 705. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year for the following accounts: the Rural Development Loan Fund program account, the Rural Electrification and Telecommunication Loans program account, and the Rural Housing Insurance Fund program account.

SEC. 706. None of the funds made available to the Department of Agriculture by this Act may be used to acquire new information technology systems or significant upgrades, as determined by the Office of the Chief Information Officer, without the approval of the Chief Information Officer and the concurrence of the Executive Information Technology Investment Review Board: Provided, That notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this Act may be transferred to the Office of the Chief Information Officer without written notification to and the prior approval of the Committees on Appropriations of both Houses of Congress: Provided further, That, notwithstanding section 11319 of title 40, United States Code, none of the funds available to the Department of Agriculture for information technology shall be obligated for projects, contracts, or other agreements over \$25,000 prior to receipt of written approval by the Chief Information Officer: Provided further, That the Chief Information Officer may authorize an agency to obligate funds without written approval from the Chief Information Officer for projects, contracts, or other agreements up to \$250,000 based upon the performance of an agency measured against the performance plan requirements described in the explanatory statement accompanying Public Law 113-235.

SEC. 707. Funds made available under section 524(b) of the Federal Crop Insurance Act (7 U.S.C. 1524(b)) in the current fiscal year shall remain available until expended to disburse obligations made in the current fiscal year.

SEC. 708. Notwithstanding any other provision of law, any former RUS borrower that has repaid or prepaid an insured, direct or guaranteed loan under the Rural Electrification Act of 1936, or any not-for-profit utility that is eligible to receive an insured or direct loan under such Act, shall be eligible for assistance under section 313B(a) of such Act in the same manner as a borrower under such Act.

SEC. 709. (a) Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Farm Service Agency shall remain available through September 30, 2021, for information technology expenses.

(b) Except as otherwise specifically provided by law, not more than \$20,000,000 in unobligated balances from appropriations made available for salaries and expenses in this Act for the Rural Development mission area shall remain available through September 30, 2021, for information technology expenses.

SEC. 710. None of the funds appropriated or otherwise made available by this Act may be

used for first-class travel by the employees of agencies funded by this Act in contravention of sections 301-10.122 through 301-10.124 of title 41, Code of Federal Regulations.

SEC. 711. In the case of each program established or amended by the Agricultural Act of 2014 (Public Law 113-79) or by a successor to that Act, other than by title I or subtitle A of title III of such Act, or programs for which indefinite amounts were provided in that Act, that is authorized or required to be carried out using funds of the Commodity Credit Corporation—

(1) such funds shall be available for salaries and related administrative expenses, including technical assistance, associated with the implementation of the program, without regard to the limitation on the total amount of allotments and fund transfers contained in section 11 of the Commodity Credit Corporation Charter Act (15 U.S.C. 714i); and

(2) the use of such funds for such purpose shall not be considered to be a fund transfer or allotment for purposes of applying the limitation on the total amount of allotments and fund transfers contained in such section.

SEC. 712. Of the funds made available by this Act, not more than \$2,900,000 shall be used to cover necessary expenses of activities related to all advisory committees, panels, commissions, and task forces of the Department of Agriculture, except for panels used to comply with negotiated rule makings and panels used to evaluate competitively awarded grants.

SEC. 713. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 714. Notwithstanding subsection (b) of section 14222 of Public Law 110-246 (7 U.S.C. 612c-6; in this section referred to as “section 14222”), none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries and expenses of personnel to carry out a program under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c; in this section referred to as “section 32”) in excess of \$1,404,000,000 (exclusive of carryover appropriations from prior fiscal years), as follows: Child Nutrition Programs Entitlement Commodity—\$485,000,000; State Option Contracts—\$5,000,000; Removal of Defective Commodities—\$2,500,000; Administration of Section 32 Commodity Purchases—\$35,853,000: Provided, That of the total funds made available in the matter preceding this proviso that remain unobligated on October 1, 2020, such unobligated balances shall carryover into fiscal year 2021 and shall remain available until expended for any of the purposes of section 32, except that any such carryover funds used in accordance with clause (3) of section 32 may not exceed \$350,000,000 and may not be obligated until the Secretary of Agriculture provides written notification of the expenditures to the Committees on Appropriations of both Houses of Congress at least two weeks in advance: Provided further, That, with the exception of any available carryover funds authorized in any prior appropriations Act to be used for the purposes of clause (3) of section 32, none of the funds appropriated or otherwise made available by this or any other Act shall be used to pay the salaries or expenses of any employee of the Department of Agriculture to carry out clause (3) of section 32.

SEC. 715. None of the funds appropriated by this or any other Act shall be used to pay the salaries and expenses of personnel who prepare or submit appropriations language as part of the President's budget submission to the Congress for programs under the jurisdiction of the Appropriations Subcommittees on Agriculture, Rural Development, Food and Drug Administra-

tion, and Related Agencies that assumes revenues or reflects a reduction from the previous year due to user fees proposals that have not been enacted into law prior to the submission of the budget unless such budget submission identifies which additional spending reductions should occur in the event the user fees proposals are not enacted prior to the date of the convening of a committee of conference for the fiscal year 2021 appropriations Act.

SEC. 716. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the Department of Agriculture that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the Department of Agriculture, shall be available for obligation or expenditure through transfer of funds, or reimbursements as authorized by the Economy Act, or through use of the authority provided by section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or section 8 of Public Law 89-106 (7 U.S.C. 2263), that—

(1) creates new programs;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;

(4) relocates an office or employees;

(5) reorganizes offices, programs, or activities;

or

(6) contracts out or privatizes any functions or activities presently performed by Federal employees.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the Department of Agriculture that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the Department of Agriculture, shall be available for obligation or expenditure for activities, programs, or projects through use of the authorities referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects, or activities as approved by Congress.

(c) The Secretary of Agriculture may not implement any program, project, or activity not carried out during the previous fiscal year unless the program, project, or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous appropriations Acts to the Department of Agriculture that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to the Department of Agriculture shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less; or

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel.

SEC. 717. (a) None of the funds provided by this Act, or provided by previous appropriations Acts to the Food and Drug Administration or the Commodity Futures Trading Commission that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the

collection of fees available to those agencies, shall be available for obligation or expenditure through a reprogramming, or a transfer of funds, that—

(1) creates new programs;  
 (2) eliminates a program, project, or activity;  
 (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted;  
 (4) relocates an office or employees;  
 (5) reorganizes offices, programs, or activities;  
 or  
 (6) contracts out or privatizes any functions or activities presently performed by Federal employees;  
 unless the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such transfer authority.

(b) None of the funds provided by this Act, or provided by previous appropriations Acts to the Food and Drug Administration or the Commodity Futures Trading Commission that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to those agencies, shall be available for obligation or expenditure for programs, projects, or activities through a reprogramming or use of the transfer authority referred to in subsection (a) involving funds in excess of \$500,000 or 10 percent, whichever is less, that—

(1) augments existing programs, projects, or activities;

(2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or

(3) results from any general savings from a reduction in personnel which would result in a change in existing programs, projects, or activities as approved by Congress;

unless the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission (as the case may be) notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of the reprogramming of such funds or the use of such transfer authority.

(c) The Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission (as the case may be) shall notify in writing and receive approval from the Committees on Appropriations of both Houses of Congress before implementing any program, project, or activity not carried out during the previous fiscal year unless the program, project, or activity is funded by this Act or specifically funded by any other Act.

(d) None of the funds provided by this Act, or provided by previous appropriations Acts to the Food and Drug Administration or the Commodity Futures Trading Commission (as the case may be) that remain available for obligation or expenditure in the current fiscal year, or provided from any accounts in the Treasury derived by the collection of fees available to those agencies, shall be available for—

(1) modifying major capital investments funding levels, including information technology systems, that involves increasing or decreasing funds in the current fiscal year for the individual investment in excess of \$500,000 or 10 percent of the total cost, whichever is less;

(2) realigning or reorganizing new, current, or vacant positions or agency activities or functions to establish a center, office, branch, or similar entity with five or more personnel; or

(3) carrying out activities or functions that were not described in the budget request;

unless the Secretary of Health and Human Services or the Chairman of the Commodity Futures

Trading Commission (as the case may be) notifies in writing, and receives approval from, the Committees on Appropriations of both Houses of Congress at least 30 days in advance of using the funds for these purposes.

(e) As described in this section, no funds may be used for any activities unless the Secretary of Health and Human Services or the Chairman of the Commodity Futures Trading Commission (as the case may be) receives from the Committee on Appropriations of both Houses of Congress written or electronic mail confirmation of receipt of the notification as required in this section.

SEC. 718. Notwithstanding section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)), the Secretary may assess a one-time fee for any guaranteed business and industry loan in an amount that does not exceed 3 percent of the guaranteed principal portion of the loan.

SEC. 719. None of the funds appropriated or otherwise made available to the Department of Agriculture, the Food and Drug Administration, the Commodity Futures Trading Commission, or the Farm Credit Administration shall be used to transmit or otherwise make available reports, questions, or responses to questions that are a result of information requested for the appropriations hearing process to any non-Department of Agriculture, non-Department of Health and Human Services, non-Commodity Futures Trading Commission, or non-Farm Credit Administration employee.

SEC. 720. Unless otherwise authorized by existing law, none of the funds provided in this Act, may be used by an executive branch agency to produce any prepackaged news story intended for broadcast or distribution in the United States unless the story includes a clear notification within the text or audio of the prepackaged news story that the prepackaged news story was prepared or funded by that executive branch agency.

SEC. 721. No employee of the Department of Agriculture may be detailed or assigned from an agency or office funded by this Act or any other Act to any other agency or office of the Department for more than 60 days in a fiscal year unless the individual's employing agency or office is fully reimbursed by the receiving agency or office for the salary and expenses of the employee for the period of assignment.

SEC. 722. For the purposes of determining eligibility or level of program assistance for Rural Development programs the Secretary shall not include incarcerated prison populations.

SEC. 723. Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture, the Commissioner of the Food and Drug Administration, the Chairman of the Commodity Futures Trading Commission, and the Chairman of the Farm Credit Administration shall submit to the Committees on Appropriations of both Houses of Congress a detailed spending plan by program, project, and activity for all the funds made available under this Act including appropriated user fees, as defined in the joint explanatory statement accompanying this Act.

SEC. 724. Of the unobligated balances from amounts made available for the supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), \$800,000,000 are hereby rescinded.

SEC. 725. The Secretary shall continue an intermediary loan packaging program based on the pilot program in effect for fiscal year 2013 for packaging and reviewing section 502 single family direct loans. The Secretary shall continue agreements with current intermediary organizations and with additional qualified intermediary organizations. The Secretary shall work with these organizations to increase effectiveness of the section 502 single family direct loan program in rural communities and shall set aside and make available from the national reserve section 502 loans an amount necessary to support the work of such intermediaries and provide a priority for review of such loans.

SEC. 726. For loans and loan guarantees that do not require budget authority and the program level has been established in this Act, the Secretary of Agriculture may increase the program level for such loans and loan guarantees by not more than 25 percent: Provided, That prior to the Secretary implementing such an increase, the Secretary notifies, in writing, the Committees on Appropriations of both Houses of Congress at least 15 days in advance.

SEC. 727. None of the credit card refunds or rebates transferred to the Working Capital Fund pursuant to section 729 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2002 (7 U.S.C. 2235a; Public Law 107-76) shall be available for obligation without written notification to, and the prior approval of, the Committees on Appropriations of both Houses of Congress: Provided, That the refunds or rebates so transferred shall be available for obligation only for the acquisition of plant and capital equipment necessary for the delivery of financial, administrative, and information technology services of primary benefit to the agencies of the Department of Agriculture.

SEC. 728. None of the funds made available by this Act may be used to implement, administer, or enforce the "variety" requirements of the final rule entitled "Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program (SNAP)" published by the Department of Agriculture in the Federal Register on December 15, 2016 (81 Fed. Reg. 90675) until the Secretary of Agriculture amends the definition of the term "variety" as defined in section 278.1(b)(1)(ii)(C) of title 7, Code of Federal Regulations, and "variety" as applied in the definition of the term "staple food" as defined in section 271.2 of title 7, Code of Federal Regulations, to increase the number of items that qualify as acceptable varieties in each staple food category so that the total number of such items in each staple food category exceeds the number of such items in each staple food category included in the final rule as published on December 15, 2016: Provided, That until the Secretary promulgates such regulatory amendments, the Secretary shall apply the requirements regarding acceptable varieties and breadth of stock to Supplemental Nutrition Assistance Program retailers that were in effect on the day before the date of the enactment of the Agricultural Act of 2014 (Public Law 113-79).

SEC. 729. In carrying out subsection (h) of section 502 of the Housing Act of 1949 (42 U.S.C. 1472), the Secretary of Agriculture shall have the same authority with respect to loans guaranteed under such section and eligible lenders for such loans as the Secretary has under subsections (h) and (j) of section 538 of such Act (42 U.S.C. 1490p-2) with respect to loans guaranteed under such section 538 and eligible lenders for such loans.

SEC. 730. None of the funds made available by this Act may be used to propose, promulgate, or implement any rule, or take any other action with respect to, allowing or requiring information intended for a prescribing health care professional, in the case of a drug or biological product subject to section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)), to be distributed to such professional electronically (in lieu of in paper form) unless and until a Federal law is enacted to allow or require such distribution.

SEC. 731. None of the funds made available by this or any other Act may be used to carry out the final rule promulgated by the Food and Drug Administration and put into effect November 16, 2015, in regards to the hazard analysis and risk-based preventive control requirements of the current good manufacturing practice, hazard analysis, and risk-based preventive controls for food for animals rule with respect to the regulation of the production, distribution, sale, or receipt of dried spent grain byproducts of the alcoholic beverage production process.



SEC. 732. Funds made available under title II of the Food for Peace Act (7 U.S.C. 1721 et seq.) may only be used to provide assistance to recipient nations if adequate monitoring and controls, as determined by the Administrator, are in place to ensure that emergency food aid is received by the intended beneficiaries in areas affected by food shortages and not diverted for unauthorized or inappropriate purposes.

SEC. 733. There is hereby appropriated \$15,000,000, to remain available until expended, to carry out section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a): Provided, That the Secretary may allow eligible entities, or comparable entities that provide energy efficiency services using their own billing mechanism to offer loans to customers in any part of their service territory and to offer loans to replace a manufactured housing unit with another manufactured housing unit, if replacement would be more cost effective in saving energy.

SEC. 734. (a) The Secretary of Agriculture shall—

(1) conduct audits in a manner that evaluates the following factors in the country or region being audited, as applicable—

- (A) veterinary control and oversight;
- (B) disease history and vaccination practices;
- (C) livestock demographics and traceability;
- (D) epidemiological separation from potential sources of infection;
- (E) surveillance practices;
- (F) diagnostic laboratory capabilities; and
- (G) emergency preparedness and response; and

(2) promptly make publicly available the final reports of any audits or reviews conducted pursuant to subsection (1).

(b) This section shall be applied in a manner consistent with United States obligations under its international trade agreements.

SEC. 735. No food that bears or contains partially hydrogenated oils (as defined in the order published by the Food and Drug Administration in the Federal Register on June 17, 2015 (80 Fed. Reg. 34650 et seq.)) shall be considered to be adulterated within the meaning of subsection (a)(1) or (a)(2)(C)(i) of section 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 342(a)) because such food contains such partially hydrogenated oils until the applicable compliance dates specified by FDA in the Federal Register on May 21, 2018 (83 Fed. Reg. 23358 et seq.).

SEC. 736. None of the funds made available by this Act may be used to carry out any activities or incur any expense related to the issuance of licenses under section 3 of the Animal Welfare Act (7 U.S.C. 2133), or the renewal of such licenses, to class B dealers who sell dogs and cats for use in research, experiments, teaching, or testing.

SEC. 737. (a)(1) No Federal funds made available for this fiscal year for the rural water, waste water, waste disposal, and solid waste management programs authorized by sections 306, 306A, 306C, 306D, 306E, and 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926 et seq.) shall be used for a project for the construction, alteration, maintenance, or repair of a public water or wastewater system unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel products” means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Secretary of Agriculture (in this section referred to as the “Secretary”) or the designee of the Secretary finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Secretary or the designee receives a request for a waiver under this section, the Secretary or the designee shall make available to the public on an informal basis a copy of the request and information available to the Secretary or the designee concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Secretary or the designee shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Department.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Secretary may retain up to 0.25 percent of the funds appropriated in this Act for “Rural Utilities Service—Rural Water and Waste Disposal Program Account” for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

(f) Subsection (a) shall not apply with respect to a project for which the engineering plans and specifications include use of iron and steel products otherwise prohibited by such subsection if the plans and specifications have received required approvals from State agencies prior to the date of enactment of this Act.

(g) For purposes of this section, the terms “United States” and “State” shall include each of the several States, the District of Columbia, and each federally recognized Indian tribe.

SEC. 738. None of the funds appropriated by this Act may be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

SEC. 739. None of the funds made available by this Act may be used to procure raw or processed poultry products imported into the United States from the People's Republic of China for use in the school lunch program under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.), the Child and Adult Care Food Program under section 17 of such Act (42 U.S.C. 1766), the Summer Food Service Program for Children under section 13 of such Act (42 U.S.C. 1761), or the school breakfast program under the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

SEC. 740. None of the funds made available by this Act may be used to pay the salaries or expenses of personnel—

(1) to inspect horses under section 3 of the Federal Meat Inspection Act (21 U.S.C. 603);

(2) to inspect horses under section 903 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 1901 note; Public Law 104–127); or

(3) to implement or enforce section 352.19 of title 9, Code of Federal Regulations (or a successor regulation).

SEC. 741. Of the total amounts made available by this Act for direct loans and grants in section 733 and in the following headings: “Rural Housing Service—Rural Housing Insurance Fund Program Account”; “Rural Housing Service—Mutual and Self-Help Housing Grants”; “Rural Housing Service—Rural Housing Assistance Grants”; “Rural Housing Service—Rural Community Facilities Program Account”; “Rural Business-Cooperative Service—Rural Business Program Account”; “Rural Business-Cooperative Service—Rural Economic Development Loans Program Account”; “Rural Business-Cooperative Service—Rural Cooperative Development Grants”; “Rural Utilities Service—Rural

Water and Waste Disposal Program Account”; “Rural Utilities Service—Rural Electrification and Telecommunications Loans Program Account”; and “Rural Utilities Service—Distance Learning, Telemedicine, and Broadband Program”, to the maximum extent feasible, at least 10 percent of the funds shall be allocated for assistance in persistent poverty counties under this section, including, notwithstanding any other provision regarding population limits, any county seat of such a persistent poverty county that has a population that does not exceed the authorized population limit by more than 10 percent: Provided, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1980, 1990, and 2000 decennial censuses, and 2007–2011 American Community Survey 5-year average: Provided further, That with respect to specific activities for which program levels have been made available by this Act that are not supported by budget authority, the requirements of this section shall be applied to such program level.

SEC. 742. (a) No funds shall be used to finalize the proposed rule entitled “Eligibility of the People's Republic of China (PRC) to Export to the United States Poultry Products from Birds Slaughtered in the PRC” published in the Federal Register by the Department of Agriculture on June 16, 2017 (82 Fed. Reg. 27625), unless the Secretary of Agriculture shall—

(1) ensure that the poultry slaughter inspection system for the PRC is equivalent to that of the United States;

(2) ensure that, before any poultry products can enter the United States from any such poultry plant, such poultry products comply with all other applicable requirements for poultry products in interstate commerce in the United States;

(3) conduct periodic verification reviews and audits of any such plants in the PRC intending to export into the United States processed poultry products;

(4) conduct re-inspection of such poultry products at United States ports-of-entry to check the general condition of such products, for the proper certification and labeling of such products, and for any damage to such products that may have occurred during transportation; and

(5) ensure that shipments of any such poultry products selected to enter the United States are subject to additional re-inspection procedures at appropriate levels to verify that the products comply with relevant Federal regulations or standards, including examinations for product defects and laboratory analyses to detect harmful chemical residues or pathogen testing appropriate for the products involved.

(b) This section shall be applied in a manner consistent with obligations of the United States under any trade agreement to which the United States is a party.

SEC. 743. In addition to any other funds made available in this Act or any other Act, there is appropriated \$5,000,000 to carry out section 18(g)(8) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769(g)), to remain available until expended.

SEC. 744. There is hereby appropriated \$10,000,000, to remain available until September 30, 2021, for the cost of loans and grants that is consistent with section 4206 of the Agricultural Act of 2014, for necessary expenses of the Secretary to support projects that provide access to healthy food in underserved areas, to create and preserve quality jobs, and to revitalize low-income communities.

SEC. 745. For an additional amount for “Animal and Plant Health Inspection Service—Salaries and Expenses”, \$8,500,000, to remain available until September 30, 2021, for one-time control and management and associated activities directly related to the multiple-agency response to citrus greening.

SEC. 746. None of the funds made available by this or any other Act may be used to enforce the

final rule promulgated by the Food and Drug Administration entitled “Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption,” and published on November 27, 2015, with respect to the regulation of entities that grow, harvest, pack, or hold wine grapes, hops, pulse crops, or almonds.

SEC. 747. For school year 2020–2021, only a school food authority that had a negative balance in the nonprofit school food service account as of December 31, 2019, shall be required to establish a price for paid lunches in accordance with Section 12(p) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(p).

SEC. 748. (a) There is hereby appropriated \$463,000,000, to remain available until expended, for an additional amount for Sec. 779 of Public Law 115–141.

(b) Section 313 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 940c), shall be applied for fiscal year 2019 and each fiscal year thereafter until the specified funding has been expended as if the following were inserted after the final period in subsection (b)(2): In addition, the Secretary shall use \$87,000,000 of funds available in this subaccount in fiscal year 2020 for an additional amount for the same purpose and under the same terms and conditions as funds appropriated by Sec. 779 of Public Law 115–141.: Provided, That prior to any use of such funds, the Secretary shall provide written notification to the Committees on Appropriations of both Houses of Congress at least 30 days in advance.

SEC. 749. There is hereby appropriated \$5,000,000, to remain available until September 30, 2021, for a pilot program for the National Institute of Food and Agriculture to provide grants to nonprofit organizations for programs and services to establish and enhance farming and ranching opportunities for military veterans.

SEC. 750. None of the funds made available by this Act may be used to implement or enforce the matter following the first comma in the second sentence of footnote (c) of section 220.8(c) of title 7, Code of Federal Regulations, with respect to the substitution of vegetables for fruits under the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773).

SEC. 751. Out of amounts appropriated to the Food and Drug Administration under title VI, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall, not later than July 1, 2020, and following the review required under Executive Order 12866 (5 U.S.C. 601 note; relating to regulatory planning and review), issue advice revising the advice provided in the notice of availability entitled “Advice About Eating Fish, From the Environmental Protection Agency and Food and Drug Administration; Revised Fish Advice; Availability” (82 Fed. Reg. 6571 (January 19, 2017)), in a manner that is consistent with nutrition science recognized by the Food and Drug Administration on the net effects of seafood consumption.

SEC. 752. In addition to any funds made available in this Act or any other Act, there is hereby appropriated \$10,000,000, to remain available until September 30, 2021, for grants from the National Institute of Food and Agriculture to the 1890 Institutions to support the Centers of Excellence.

SEC. 753. There is hereby appropriated \$1,000,000 for the Secretary of Agriculture to carry out a pilot program that assists rural hospitals to improve long-term operations and financial health by providing technical assistance through analysis of current hospital management practices.

SEC. 754. There is hereby appropriated \$2,000,000, to remain available until expended, for grants under section 12502 of Public Law 115–334.

SEC. 755. The funds provided in section 753 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2018, are rescinded.

SEC. 756. Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall issue a final rule based on the proposed rule entitled “National Organic Program; Origin of Livestock,” published in the Federal Register on April 28, 2015 (80 Fed. Reg. 23455): Provided, That the final rule shall incorporate public comments submitted in response to the proposed rule.

SEC. 757. There is hereby appropriated \$3,000,000, to remain available until September 30, 2021, to carry out section 4003(b) of Public Law 115–334 relating to demonstration projects for Tribal Organizations.

SEC. 758. Hereafter, and notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to relocate an agency, or any part of an agency, that was located within the National Capital Region on August 1, 2018, to a site outside of the National Capital Region in the absence of the prior enactment of a specific appropriation for that relocation.

SEC. 759. Hereafter, and notwithstanding any other provision of law, no funds available to the Department of Agriculture may be used to move any agency from the mission area in which it was located on August 1, 2018, to any other mission area or office within the Department in the absence of the enactment of specific legislation affirming such move.

SEC. 760. The Animal and Plant Health Inspection Service shall, notwithstanding any other provision of law:

(a) within 60 calendar days, restore on its website the searchable database and its contents that were available on January 30, 2017, and all content generated since that date; and

(b) hereafter, make publicly available via searchable database, in their entirety without redactions except signatures, the following:

(1) all Animal Welfare Act inspection reports, including all reports documenting all AWA non-compliances observed by USDA officials and all animal inventories;

(2) all Animal Welfare Act and Horse Protection Act enforcement records;

(3) all reports or other materials documenting any non-compliances observed by USDA officials; and

(4) all Animal Welfare Act research facility annual reports, including their attachments.

SEC. 761. There is hereby appropriated \$1,000,000 to carry out section 3307 of Public Law 115–334.

SEC. 762. The Secretary of Agriculture may waive the matching funds requirement under Section 412(g) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632(g)).

SEC. 763. There is hereby appropriated \$10,000,000, to remain available until September 30, 2021, to carry out section 23 of the Child Nutrition Act of 1966 (42 U.S.C. 1793), of which \$1,000,000 shall be for grants under such section to the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, the United States Virgin Islands, and American Samoa.

SEC. 764. There is hereby appropriated \$1,000,000 to carry out section 12607(b) of Public Law 115–334.

SEC. 765. Section 2 of the Rural Electrification Act of 1936 (7 U.S.C. 902) is amended in subsection (a) by striking “made by the Secretary” and inserting “made or guaranteed by the Secretary”.

SEC. 766. The National Bio and Agro-Defense Facility shall be transferred without reimbursement from the Secretary of Homeland Security to the Secretary of Agriculture.

SEC. 767. Any funds made available by this or any other Act that the Secretary withholds pursuant to section 1668(g)(2) of the Food, Agri-

culture, Conservation, and Trade Act of 1990 (7 U.S.C. 5921(g)(2)), as amended, shall be available for grants for biotechnology risk assessment research: Provided, That the Secretary may transfer such funds to appropriations of the Department of Agriculture.

SEC. 768. There is hereby appropriated \$5,000,000 to carry out section 222 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923) as amended by section 12302 of P.L. 115–334.

SEC. 769. There is hereby appropriated \$400,000 to carry out section 224 of Subtitle A of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6924) as amended by section 12504 of P.L. 115–334.

SEC. 770. There is hereby appropriated \$1,000,000, to remain available until September 30, 2021, to carry out section 4208 of Public Law 115–334.

SEC. 771. There is hereby appropriated \$400,000 to carry out section 1672(g)(4)(B) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925(g)(4)(B)) as amended by section 7209 of P.L. 115–334.

SEC. 772. There is hereby appropriated \$10,000,000 to carry out section 12301 of Public Law 115–334.

SEC. 773. There is hereby appropriated \$2,500,000 to carry out section 1450 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222e) as amended by section 7120 of P.L. 115–334.

SEC. 774. There is hereby appropriated \$1,000,000 to carry out section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924) as amended by section 7208 of P.L. 115–334.

SEC. 775. There is hereby appropriated \$5,000,000 to carry out section 3101 of Subtitle A of Title III of the Consolidated Farm and Rural Development Act (7 U.S.C. 1936c) as amended by section 5104 of P.L. 115–334.

SEC. 776. There is hereby appropriated \$7,000,000 for the purposes described in the paragraph entitled “Nutrition Assistance Program (NAP) Study” under the Supplemental Nutrition Assistance Program included in the report accompanying this Act.

SEC. 777. There is hereby appropriated \$5,000,000 to remain available until September 30, 2021, to carry out section 4206 of Public Law 115–334.

SEC. 778. None of the funds made available by this Act may be used to notify a sponsor or otherwise acknowledge receipt of a submission for an exemption for investigational use of a drug or biological product under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) or section 351(a)(3) of the Public Health Service Act (42 U.S.C. 262(a)(3)) in research in which a human embryo is intentionally created or modified to include a heritable genetic modification. Any such submission shall be deemed to have not been received by the Secretary, and the exemption may not go into effect.

SEC. 779. None of the funds made available to the Department of Agriculture shall be used to finalize, issue, or implement the proposed rule entitled “Modernization of Swine Slaughter Inspection” published in the Federal Register by the Food Safety Inspection Service on February 1, 2018 (83 Fed. Reg. 4780 et seq.), including insofar as such rule relates to converting establishments, until—

(1) the Office of the Inspector General of the Department of Agriculture has provided to the Food Safety and Inspection Service and the Committees on Appropriations of the House of Representatives and the Senate findings on the data used in support of the development and design of the swine slaughter inspection program that is the subject of such proposed rule; and

(2) the Food Safety and Inspection Service has addressed and resolved issues identified by the Inspector General in the findings referred to in paragraph (1).



SEC. 780. None of the funds made available by this Act may be used to—

(1) transfer the functions of, or eliminate, a Forest Service Job Corps Civilian Conservation Center; or

(2) alter the jurisdiction of the Secretary of Agriculture with respect to the operation of such a Forest Service Job Corps Civilian Conservation Center, as such jurisdiction was in effect on January 1, 2019.

SEC. 781. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

SEC. 782. Any reference to a “report accompanying this Act” contained in this division shall be treated as a reference to House Report 116-107. The effect of such Report shall be limited to this division and shall apply for purposes of determining the allocation of funds provided by, and the implementation of, this division.

This Act may be cited as the “Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2020”.

#### **DIVISION C—DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, namely:

##### **TITLE I**

##### **DEPARTMENT OF THE INTERIOR**

##### **BUREAU OF LAND MANAGEMENT**

##### **MANAGEMENT OF LANDS AND RESOURCES**

##### **(INCLUDING RESCISSION OF FUNDS)**

For necessary expenses for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to section 1010(a) of Public Law 96-487 (16 U.S.C. 3150(a)), \$1,265,097,000, to remain available until September 30, 2021; of which \$125,653,000 for annual and deferred maintenance shall remain available until expended, and of which \$6,000,000 is for a pilot program to complement activities authorized by Public Law 92-195: Provided, That amounts in the fee account of the Bureau of Land Management permit process improvement fund may be used for bureau-related expenses directly associated with the processing of oil and gas applications for permits to drill and related use of authorizations.

In addition, \$39,696,000 is for Mining Law Administration program operations, including the cost of administering the mining claim fee program, to remain available until expended, to be reduced by amounts collected by the Bureau and credited to this appropriation from mining claim maintenance fees and location fees that are hereby authorized for fiscal year 2020, so as to result in a final appropriation estimated at not more than \$1,265,097,000, and \$2,000,000, to remain available until expended, from communication site rental fees established by the Bureau for the cost of administering communication site activities.

Of the unobligated balances from amounts made available under this heading in fiscal year 2016 or before, \$14,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

##### **CONSTRUCTION**

##### **(INCLUDING RESCISSION OF FUNDS)**

Of the unobligated balances from amounts made available under this heading \$5,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

##### **LAND ACQUISITION**

For expenses necessary to carry out sections 205, 206, and 318(d) of Public Law 94-579, including administrative expenses and acquisition of lands or waters, or interests therein, \$33,800,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

##### **OREGON AND CALIFORNIA GRANT LANDS**

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein, including existing connecting roads on or adjacent to such grant lands; \$117,195,000, to remain available until expended: Provided, That 25 percent of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (43 U.S.C. 2605).

##### **RANGE IMPROVEMENTS**

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751), notwithstanding any other Act, sums equal to 50 percent of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315b, 315m) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,000,000, to remain available until expended: Provided, That not to exceed \$600,000 shall be available for administrative expenses.

##### **SERVICE CHARGES, DEPOSITS, AND FORFEITURES**

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under Public Law 94-579 (43 U.S.C. 1701 et seq.), and under section 28 of the Mineral Leasing Act (30 U.S.C. 185), to remain available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of Public Law 94-579 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this Act by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any

unauthorized person, without regard to whether all moneys collected from each such action are used on the exact lands damaged which led to the action: Provided further, That any such moneys that are in excess of amounts needed to repair damage to the exact land for which funds were collected may be used to repair other damaged public lands.

##### **MISCELLANEOUS TRUST FUNDS**

In addition to amounts authorized to be expended under existing laws, there is hereby appropriated such amounts as may be contributed under section 307 of Public Law 94-579 (43 U.S.C. 1737), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act (43 U.S.C. 1721(b)), to remain available until expended.

##### **ADMINISTRATIVE PROVISIONS**

The Bureau of Land Management may carry out the operations funded under this Act by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities, including with States. Appropriations for the Bureau shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed \$10,000: Provided, That notwithstanding Public Law 90-620 (44 U.S.C. 501), the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: Provided further, That projects to be funded pursuant to a written commitment by a State government to provide an identified amount of money in support of the project may be carried out by the Bureau on a reimbursable basis. Appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

##### **UNITED STATES FISH AND WILDLIFE SERVICE**

##### **RESOURCE MANAGEMENT**

##### **(INCLUDING RESCISSION OF FUNDS)**

For necessary expenses of the United States Fish and Wildlife Service, as authorized by law, and for scientific and economic studies, general administration, and for the performance of other authorized functions related to such resources, \$1,364,760,000, to remain available until September 30, 2021: Provided, That not to exceed \$23,442,000 shall be used for implementing subsections (a), (b), (c), and (e) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) (except for processing petitions, developing and issuing proposed and final regulations, and taking any other steps to implement actions described in subsection (c)(2)(A), (c)(2)(B)(i), or (c)(2)(B)(ii)).

Of the unobligated balances from amounts made available under this heading, in accordance with the joint explanatory statement accompanying the Consolidated Appropriations Act, 2019, for central office operations in fiscal year 2019, \$4,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the

Balanced Budget and Emergency Deficit Control Act of 1985.

#### CONSTRUCTION

For construction, improvement, acquisition, or removal of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fish and wildlife resources, and the acquisition of lands and interests therein; \$15,693,000, to remain available until expended.

#### LAND ACQUISITION

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$67,750,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which, notwithstanding section 200306 of title 54, United States Code, not more than \$10,000,000 shall be for land conservation partnerships authorized by the Highlands Conservation Act of 2004, including not to exceed \$320,000 for administrative expenses: Provided, That none of the funds appropriated for specific land acquisition projects may be used to pay for any administrative overhead, planning or other management costs.

#### COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

##### (INCLUDING RESCISSION OF FUNDS)

For expenses necessary to carry out section 6 of the Endangered Species Act of 1973 (16 U.S.C. 1535), \$63,702,000, to remain available until expended, of which \$23,702,000 is to be derived from the Cooperative Endangered Species Conservation Fund; and of which \$40,000,000 is to be derived from the Land and Water Conservation Fund.

Of the unobligated balances made available from the Cooperative Endangered Species Conservation Fund, \$10,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

#### NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$13,228,000.

#### NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act (16 U.S.C. 4401 et seq.), \$50,000,000, to remain available until expended.

#### NEOTROPICAL MIGRATORY BIRD CONSERVATION

For expenses necessary to carry out the Neotropical Migratory Bird Conservation Act (16 U.S.C. 6101 et seq.), \$4,910,000, to remain available until expended.

#### MULTINATIONAL SPECIES CONSERVATION FUND

For expenses necessary to carry out the African Elephant Conservation Act (16 U.S.C. 4201 et seq.), the Asian Elephant Conservation Act of 1997 (16 U.S.C. 4261 et seq.), the Rhinoceros and Tiger Conservation Act of 1994 (16 U.S.C. 5301 et seq.), the Great Ape Conservation Act of 2000 (16 U.S.C. 6301 et seq.), and the Marine Turtle Conservation Act of 2004 (16 U.S.C. 6601 et seq.), \$15,000,000, to remain available until expended.

#### STATE AND TRIBAL WILDLIFE GRANTS

For wildlife conservation grants to States and to the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, American Samoa, and Indian tribes under the provisions of the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act, for the development and implementation of programs for the benefit of wildlife and their habitat, including species that are not hunted or fished, \$70,571,000, to remain

available until expended: Provided, That of the amount provided herein, \$5,209,000 is for a competitive grant program for Indian tribes not subject to the remaining provisions of this appropriation: Provided further, That \$7,362,000 is for a competitive grant program to implement approved plans for States, territories, and other jurisdictions and at the discretion of affected States, the regional Associations of fish and wildlife agencies, not subject to the remaining provisions of this appropriation: Provided further, That the Secretary shall, after deducting \$12,571,000 and administrative expenses, apportion the amount provided herein in the following manner: (1) to the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than one-half of 1 percent thereof; and (2) to Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than one-fourth of 1 percent thereof: Provided further, That the Secretary shall apportion the remaining amount in the following manner: (1) one-third of which is based on the ratio to which the land area of such State bears to the total land area of all such States; and (2) two-thirds of which is based on the ratio to which the population of such State bears to the total population of all such States: Provided further, That the amounts apportioned under this paragraph shall be adjusted equitably so that no State shall be apportioned a sum which is less than 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount: Provided further, That the Federal share of planning grants shall not exceed 75 percent of the total costs of such projects and the Federal share of implementation grants shall not exceed 65 percent of the total costs of such projects: Provided further, That the non-Federal share of such projects may not be derived from Federal grant programs: Provided further, That any amount apportioned in 2020 to any State, territory, or other jurisdiction that remains unobligated as of September 30, 2021, shall be reapportioned, together with funds appropriated in 2022, in the manner provided herein.

#### ADMINISTRATIVE PROVISIONS

The United States Fish and Wildlife Service may carry out the operations of Service programs by direct expenditure, contracts, grants, cooperative agreements and reimbursable agreements with public and private entities. Appropriations and funds available to the United States Fish and Wildlife Service shall be available for repair of damage to public roads within and adjacent to reservation areas caused by operations of the Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the Service and to which the United States has title, and which are used pursuant to law in connection with management, and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding 31 U.S.C. 3302, all fees collected for non-toxic shot review and approval shall be deposited under the heading "United States Fish and Wildlife Service—Resource Management" and shall be available to the Secretary, without further appropriation,

to be used for expenses of processing of such non-toxic shot type or coating applications and revising regulations as necessary, and shall remain available until expended.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SERVICE

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service and for the general administration of the National Park Service, \$2,646,979,000, of which \$10,282,000 for planning and interagency coordination in support of Everglades restoration and \$150,980,000 for maintenance, repair, or rehabilitation projects for constructed assets and \$166,575,000 for cyclic maintenance projects for constructed assets and cultural resources and \$5,000,000 shall be for uses authorized by section 101122 of title 54, United States Code shall remain available until September 30, 2021: Provided, That funds appropriated under this heading in this Act are available for the purposes of section 5 of Public Law 95-348: Provided further, That notwithstanding section 9(a) of the United States Semiquincentennial Commission Act of 2016 (Public Law 114-196; 130 Stat. 691), \$500,000 of the funds made available under this heading shall be provided to the organization selected under section 9(b) of that Act for expenditure by the United States Semiquincentennial Commission in accordance with that Act. Provided further, That notwithstanding section 9 of the 400 Years of African-American History Commission Act (Public Law 115-102; 131 Stat. 2248), \$500,000 of the funds made available under this heading shall be provided to the 400 Years of African-American History Commission for expenditure in accordance with that Act.

#### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, heritage partnership programs, environmental compliance and review, international park affairs, and grant administration, not otherwise provided for, \$73,508,000.

#### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the National Historic Preservation Act (division A of subtitle III of title 54, United States Code), \$121,660,000, to be derived from the Historic Preservation Fund and to remain available until September 30, 2021, of which \$16,000,000 shall be for Save America's Treasures grants for preservation of national significant sites, structures and artifacts as authorized by section 7303 of the Omnibus Public Land Management Act of 2009 (54 U.S.C. 3089): Provided, That an individual Save America's Treasures grant shall be matched by non-Federal funds: Provided further, That individual projects shall only be eligible for one grant: Provided further, That all projects to be funded shall be approved by the Secretary of the Interior in consultation with the House and Senate Committees on Appropriations: Provided further, That of the funds provided for the Historic Preservation Fund, \$750,000 is for competitive grants for the survey and nomination of properties to the National Register of Historic Places and as National Historic Landmarks associated with communities currently under-represented, as determined by the Secretary, \$22,500,000 is for competitive grants to preserve the sites and stories of the Civil Rights movement, \$10,000,000 is for grants to Historically Black Colleges and Universities, and \$5,000,000 is for competitive grants for the restoration of historic properties of national, State and local significance listed on or eligible for inclusion on the National Register of Historic Places, to be made without imposing the usage or direct grant restrictions of section 101(e)(3) (54 U.S.C. 302904) of the National Historical Preservation Act: Provided further, That such competitive grants shall be made without imposing the matching requirements in section

302902(b)(3) of title 54, United States Code, to States and Indian tribes as defined in chapter 3003 of such title, Native Hawaiian organizations, local governments, including Certified Local Governments, and non-profit organizations.

#### CONSTRUCTION

For construction, improvements, repair, or replacement of physical facilities, and compliance and planning for programs and areas administered by the National Park Service, \$319,704,000, to remain available until expended: Provided, That notwithstanding any other provision of law, for any project initially funded in fiscal year 2021 with a future phase indicated in the National Park Service 5-Year Line Item Construction Plan, a single procurement may be issued which includes the full scope of the project: Provided further, That the solicitation and contract shall contain the clause availability of funds found at 48 CFR 52.232-18: Provided further, That National Park Service Donations, Park Concessions Franchise Fees, and Recreation Fees may be made available for the cost of adjustments and changes within the original scope of effort for projects funded by the National Park Service Construction appropriation: Provided further, That the Secretary of the Interior shall consult with the Committees on Appropriations, in accordance with current reprogramming thresholds, prior to making any charges authorized by this section.

#### LAND AND WATER CONSERVATION FUND (RESCISSION)

The contract authority provided for fiscal year 2020 by section 200308 of title 54, United States Code, is rescinded.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with the statutory authority applicable to the National Park Service, \$208,400,000, to be derived from the Land and Water Conservation Fund and to remain available until expended, of which \$140,000,000 is for the State assistance program and of which \$15,000,000 shall be for the American Battlefield Protection Program grants as authorized by chapter 3081 of title 54, United States Code.

#### CENTENNIAL CHALLENGE

For expenses necessary to carry out the provisions of section 101701 of title 54, United States Code, relating to challenge cost share agreements, \$20,000,000, to remain available until expended, for Centennial Challenge projects and programs: Provided, That not less than 50 percent of the total cost of each project or program shall be derived from non-Federal sources in the form of donated cash, assets, or a pledge of donation guaranteed by an irrevocable letter of credit.

#### ADMINISTRATIVE PROVISIONS (INCLUDING TRANSFER OF FUNDS)

In addition to other uses set forth in section 101917(c)(2) of title 54, United States Code, franchise fees credited to a sub-account shall be available for expenditure by the Secretary, without further appropriation, for use at any unit within the National Park System to extinguish or reduce liability for Possessory Interest or leasehold surrender interest. Such funds may only be used for this purpose to the extent that the benefitting unit anticipated franchise fee receipts over the term of the contract at that unit exceed the amount of funds used to extinguish or reduce liability. Franchise fees at the benefitting unit shall be credited to the sub-account of the originating unit over a period not to exceed the term of a single contract at the benefitting unit, in the amount of funds so expended to extinguish or reduce liability.

For the costs of administration of the Land and Water Conservation Fund grants author-

ized by section 105(a)(2)(B) of the Gulf of Mexico Energy Security Act of 2006 (Public Law 109-432), the National Park Service may retain up to 3 percent of the amounts which are authorized to be disbursed under such section, such retained amounts to remain available until expended.

National Park Service funds may be transferred to the Federal Highway Administration (FHWA), Department of Transportation, for purposes authorized under 23 U.S.C. 204. Transfers may include a reasonable amount for FHWA administrative support costs.

#### UNITED STATES GEOLOGICAL SURVEY SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, biology, and the mineral and water resources of the United States, its territories and possessions, and other areas as authorized by 43 U.S.C. 31, 1332, and 1340; classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law; and to publish and disseminate data relative to the foregoing activities; \$1,236,398,000, to remain available until September 30, 2021; of which \$84,337,000 shall remain available until expended for satellite operations; and of which \$20,164,000 shall be available until expended for deferred maintenance and capital improvement projects that exceed \$100,000 in cost: Provided, That none of the funds provided for the ecosystem research activity shall be used to conduct new surveys on private property, unless specifically authorized in writing by the property owner: Provided further, That no part of this appropriation shall be used to pay more than one-half the cost of topographic mapping or water resources data collection and investigations carried on in cooperation with States and municipalities.

#### ADMINISTRATIVE PROVISIONS

From within the amount appropriated for activities of the United States Geological Survey such sums as are necessary shall be available for contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations, observation wells, and seismic equipment; expenses of the United States National Committee for Geological Sciences; and payment of compensation and expenses of persons employed by the Survey duly appointed to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in section 6302 of title 31, United States Code: Provided further, That the United States Geological Survey may enter into contracts or cooperative agreements directly with individuals or indirectly with institutions or nonprofit organizations, without regard to 41 U.S.C. 6101, for the temporary or intermittent services of students or recent graduates, who shall be considered employees for the purpose of chapters 57 and 81 of title 5, United States Code, relating to compensation for travel and work injuries, and chapter 171 of title 28, United States Code, relating to tort claims, but shall not be considered to be Federal employees for any other purposes.

#### BUREAU OF OCEAN ENERGY MANAGEMENT OCEAN ENERGY MANAGEMENT

For expenses necessary for granting and administering leases, easements, rights-of-way and

agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf and approving operations related thereto, as authorized by law; for environmental studies, as authorized by law; for implementing other laws and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$182,781,000, of which \$122,781,000 is to remain available until September 30, 2021, and of which \$60,000,000 is to remain available until expended: Provided, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Ocean Energy Management pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided further, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2020 appropriation estimated at not more than \$122,781,000: Provided further, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities.

#### BUREAU OF SAFETY AND ENVIRONMENTAL ENFORCEMENT OFFSHORE SAFETY AND ENVIRONMENTAL ENFORCEMENT

For expenses necessary for the regulation of operations related to leases, easements, rights-of-way and agreements for use for oil and gas, other minerals, energy, and marine-related purposes on the Outer Continental Shelf, as authorized by law; for enforcing and implementing laws and regulations as authorized by law and to the extent provided by Presidential or Secretarial delegation; and for matching grants or cooperative agreements, \$145,504,000, of which \$119,504,000 is to remain available until September 30, 2021, and of which \$26,000,000 is to remain available until expended: Provided, That this total appropriation shall be reduced by amounts collected by the Secretary and credited to this appropriation from additions to receipts resulting from increases to lease rental rates in effect on August 5, 1993, and from cost recovery fees from activities conducted by the Bureau of Safety and Environmental Enforcement pursuant to the Outer Continental Shelf Lands Act, including studies, assessments, analysis, and miscellaneous administrative activities: Provided further, That the sum herein appropriated shall be reduced as such collections are received during the fiscal year, so as to result in a final fiscal year 2020 appropriation estimated at not more than \$119,504,000.

For an additional amount, \$47,308,000, to remain available until expended, to be reduced by amounts collected by the Secretary and credited to this appropriation, which shall be derived from non-refundable inspection fees collected in fiscal year 2020, as provided in this Act: Provided, That to the extent that amounts realized from such inspection fees exceed \$47,308,000, the amounts realized in excess of \$47,308,000 shall be credited to this appropriation and remain available until expended: Provided further, That for fiscal year 2020, not less than 50 percent of the inspection fees expended by the Bureau of Safety and Environmental Enforcement will be used to fund personnel and mission-related costs to expand capacity and expedite the orderly development, subject to environmental safeguards, of the Outer Continental Shelf pursuant to the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.), including the review of applications for permits to drill.

#### OIL SPILL RESEARCH

For necessary expenses to carry out title I, section 1016, title IV, sections 4202 and 4303, title

VII, and title VIII, section 8201 of the Oil Pollution Act of 1990, \$14,899,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$121,647,000, to remain available until September 30, 2021: Provided, That appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, for costs to review, administer, and enforce permits issued by the Office pursuant to section 507 of Public Law 95-87 (30 U.S.C. 1257), \$40,000, to remain available until expended: Provided, That fees assessed and collected by the Office pursuant to such section 507 shall be credited to this account as discretionary offsetting collections, to remain available until expended: Provided further, That the sum herein appropriated from the general fund shall be reduced as collections are received during the fiscal year, so as to result in a fiscal year 2020 appropriation estimated at not more than \$121,647,000.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, \$24,713,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That pursuant to Public Law 97-365, the Department of the Interior is authorized to use up to 20 percent from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available under title IV of Public Law 95-87 may be used for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act: Provided further, That amounts provided under this heading may be used for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

In addition, \$115,000,000, to remain available until expended, for grants to States and federally recognized Indian Tribes for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the report accompanying this Act: Provided, That such additional amount shall be used for economic and community development in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)): Provided further, That of such additional amount, \$75,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the greatest amount of unfunded needs to meet the priorities described in paragraphs (1) and (2) of such section, \$30,000,000 shall be distributed in equal amounts to the 3 Appalachian States with the subsequent greatest amount of unfunded needs to meet such priorities, and \$10,000,000 shall be for grants to federally recognized Indian Tribes without regard to their status as certified or uncertified under the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1233(a)), for reclamation of abandoned mine lands and other related activities in accordance with the terms and conditions in the report accompanying this Act and shall be used for economic and community de-

velopment in conjunction with the priorities in section 403(a) of the Surface Mining Control and Reclamation Act of 1977: Provided further, That such additional amount shall be allocated to States and Indian Tribes within 60 days after the date of enactment of this Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the operation of Indian programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 5301 et seq.), \$1,650,504,000 to remain available until September 30, 2021, except as otherwise provided herein; of which not to exceed \$8,500 may be for official reception and representation expenses; of which not to exceed \$77,734,000 shall be for welfare assistance payments: Provided, That in cases of designated Federal disasters, the Secretary may exceed such cap, from the amounts provided herein, to provide for disaster relief to Indian communities affected by the disaster: Provided further, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their tribal priority allocations for unmet welfare assistance costs: Provided further, That not to exceed \$73,164,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, and records improvement, and the Navajo-Hopi Settlement Program: Provided further, That any forestry funds allocated to a federally recognized tribe which remain unobligated as of September 30, 2021, may be transferred during fiscal year 2022 to an Indian forest land assistance account established for the benefit of the holder of the funds within the holder's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 2022: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel: Provided further, That the Bureau of Indian Affairs may accept transfers of funds from U.S. Customs and Border Protection to supplement any other funding available for reconstruction or repair of roads owned by the Bureau of Indian Affairs as identified on the National Tribal Transportation Facility Inventory, 23 U.S.C. 202(b)(1).

CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Bureau of Indian Affairs and the Bureau of Indian Education for fiscal year 2020, such sums as may be necessary, which shall be available for obligation through September 30, 2021: Provided, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

CONSTRUCTION

(INCLUDING TRANSFER OF FUNDS)

For construction, repair, improvement, and maintenance of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands, and interests in lands; and preparation of lands for farming, and for construction of the Navajo Indian Irrigation Project pursuant to Public Law 87-483; \$146,014,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 percent of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to

cover the road program management costs of the Bureau: Provided further, That any funds provided for the Safety of Dams program pursuant to the Act of November 2, 1921 (25 U.S.C. 13), shall be made available on a nonreimbursable basis: Provided further, That this appropriation may be reimbursed from the Office of the Special Trustee for American Indians appropriation for the appropriate share of construction costs for space expansion needed in agency offices to meet trust reform implementation: Provided further, That of the funds made available under this heading, \$10,000,000 shall be derived from the Indian Irrigation Fund established by section 3211 of the WIIN Act (Public Law 114-322; 130 Stat. 1749).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For payments and necessary administrative expenses for implementation of Indian land and water claim settlements pursuant to Public Laws 99-264, 100-580, 101-618, 111-11, 111-291, and 114-322, and for implementation of other land and water rights settlements, \$45,644,000, to remain available until expended.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans and insured loans, \$12,784,000, of which \$1,725,000 is for administrative expenses, as authorized by the Indian Financing Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed or insured, not to exceed \$199,075,370.

ADMINISTRATIVE PROVISIONS

The Bureau of Indian Affairs may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding Public Law 87-279 (25 U.S.C. 15), the Bureau of Indian Affairs may contract for services in support of the management, operation, and maintenance of the Power Division of the San Carlos Irrigation Project.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs for central office oversight and Executive Direction and Administrative Services (except executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Affairs, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

BUREAU OF INDIAN EDUCATION

OPERATION OF INDIAN EDUCATION PROGRAMS

For expenses necessary for the operation of Indian Education programs, as authorized by law, including the Snyder Act of November 2, 1921 (25 U.S.C. 13), the Indian Self-Determination and Education Assistance Act of 1975 (25

U.S.C. 5301 et seq.), the Education Amendments of 1978 (25 U.S.C. 2001-2019), and the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2501 et seq.), \$1,000,233,000, to remain available until September 30, 2021, except as otherwise provided herein: Provided, That federally recognized Indian tribes and tribal organizations of federally recognized Indian tribes may use their Tribal priority allocations for unmet welfare assistance costs: Provided further, That not to exceed \$721,690,000 for school operation costs of Bureau-funded schools and other education programs shall become available on July 1, 2020, and shall remain available until September 30, 2021: Provided further, That notwithstanding any other provision of law, including but not limited to the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.) and section 1128 of the Education Amendments of 1978 (25 U.S.C. 2008), not to exceed \$81,508,000 within and only from such amounts made available for school operations shall be available for administrative cost grants associated with grants approved prior to July 1, 2020: Provided further, That in order to enhance the safety of Bureau field employees, the Bureau may use funds to purchase uniforms or other identifying articles of clothing for personnel.

#### EDUCATION CONSTRUCTION

For construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian Education programs, including architectural and engineering services by contract; acquisition of lands, and interests in lands; \$387,252,000 to remain available until expended: Provided, That for fiscal year 2020, in implementing new construction, replacement facilities construction, or facilities improvement and repair project grants in excess of \$100,000 that are provided to grant schools under Public Law 100-297, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in part 12 of title 43, Code of Federal Regulations, as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of title 43, Code of Federal Regulations; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering grant applications, the Secretary shall consider whether such grantee would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by section 1125(b) of title XI of Public Law 95-561 (25 U.S.C. 2005(b)), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines a grant application, the Secretary shall follow the requirements contained in section 5206(f) of Public Law 100-297 (25 U.S.C. 2504(f)): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in section 5208(e) of Public Law 107-110 (25 U.S.C. 2507(e)): Provided further, That in order to ensure timely completion of construction projects, the Secretary may assume control of a project and all funds related to the project, if, not later than 18 months after the date of the enactment of this Act, any grantee receiving funds appropriated in this Act or in any prior Act, has not completed the planning and design phase of the project and commenced construction.

#### ADMINISTRATIVE PROVISIONS

The Bureau of Indian Education may carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education for central office oversight and Executive Direction and Administrative Services (ex-

cept executive direction and administrative services funding for Tribal Priority Allocations, regional offices, and facilities operations and maintenance) shall be available for contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Education under the provisions of the Indian Self-Determination Act or the Tribal Self-Governance Act of 1994 (Public Law 103-413).

In the event any tribe returns appropriations made available by this Act to the Bureau of Indian Education, this action shall not diminish the Federal Government's trust responsibility to that tribe, or the government-to-government relationship between the United States and that tribe, or that tribe's ability to access future appropriations.

Notwithstanding any other provision of law, no funds available to the Bureau of Indian Education, other than the amounts provided herein for assistance to public schools under 25 U.S.C. 452 et seq., shall be available to support the operation of any elementary or secondary school in the State of Alaska.

No funds available to the Bureau of Indian Education shall be used to support expanded grades for any school or dormitory beyond the grade structure in place or approved by the Secretary of the Interior at each school in the Bureau of Indian Education school system as of October 1, 1995, except that the Secretary of the Interior may waive this prohibition to support expansion of up to one additional grade when the Secretary determines such waiver is needed to support accomplishment of the mission of the Bureau of Indian Education, or more than one grade to expand the elementary grade structure for Bureau-funded schools with a K-2 grade structure on October 1, 1996. Appropriations made available in this or any prior Act for schools funded by the Bureau shall be available, in accordance with the Bureau's funding formula, only to the schools in the Bureau school system as of September 1, 1996, and to any school or school program that was reinstated in fiscal year 2012. Funds made available under this Act may not be used to establish a charter school at a Bureau-funded school (as that term is defined in section 1141 of the Education Amendments of 1978 (25 U.S.C. 2021)), except that a charter school that is in existence on the date of the enactment of this Act and that has operated at a Bureau-funded school before September 1, 1999, may continue to operate during that period, but only if the charter school pays to the Bureau a pro rata share of funds to reimburse the Bureau for the use of the real and personal property (including buses and vans), the funds of the charter school are kept separate and apart from Bureau funds, and the Bureau does not assume any obligation for charter school programs of the State in which the school is located if the charter school loses such funding. Employees of Bureau-funded schools sharing a campus with a charter school and performing functions related to the charter school's operation and employees of a charter school shall not be treated as Federal employees for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of law, including section 113 of title I of appendix C of Public Law 106-113, if in fiscal year 2003 or 2004 a grantee received indirect and administrative costs pursuant to a distribution formula based on section 5(f) of Public Law 101-301, the Secretary shall continue to distribute indirect and administrative cost funds to such grantee using the section 5(f) distribution formula.

Funds available under this Act may not be used to establish satellite locations of schools in the Bureau school system as of September 1, 1996, except that the Secretary may waive this prohibition in order for an Indian tribe to provide language and cultural immersion educational programs for non-public schools located within the jurisdictional area of the tribal government which exclusively serve tribal members,

do not include grades beyond those currently served at the existing Bureau-funded school, provide an educational environment with educator presence and academic facilities comparable to the Bureau-funded school, comply with all applicable Tribal, Federal, or State health and safety standards, and the Americans with Disabilities Act, and demonstrate the benefits of establishing operations at a satellite location in lieu of incurring extraordinary costs, such as for transportation or other impacts to students such as those caused by busing students extended distances: Provided, That no funds available under this Act may be used to fund operations, maintenance, rehabilitation, construction or other facilities-related costs for such assets that are not owned by the Bureau: Provided further, That the term "satellite school" means a school location physically separated from the existing Bureau school by more than 50 miles but that forms part of the existing school in all other respects.

#### DEPARTMENTAL OFFICES

##### OFFICE OF THE SECRETARY

##### DEPARTMENTAL OPERATIONS

##### (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for management of the Department of the Interior and for grants and cooperative agreements, as authorized by law, \$131,232,000, to remain available until September 30, 2021; of which no less than \$1,000,000 shall be for the hiring of additional personnel to assist the Department with its compliance responsibilities under 5 U.S.C. 552; of which not to exceed \$15,000 may be for official reception and representation expenses; and of which up to \$1,000,000 shall be available for workers compensation payments and unemployment compensation payments associated with the orderly closure of the United States Bureau of Mines; and of which \$9,000,000 for the Office of Valuation Services is to be derived from the Land and Water Conservation Fund and shall remain available until expended; and of which \$11,061,000 for Indian land, mineral, and resource valuation activities shall remain available until expended: Provided, That funds for Indian land, mineral, and resource valuation activities may, as needed, be transferred to and merged with the Bureau of Indian Affairs "Operation of Indian Programs" and Bureau of Indian Education "Operation of Indian Education Programs" accounts and the Office of the Special Trustee for American Indians "Federal Trust Programs" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2020, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee.

#### ADMINISTRATIVE PROVISIONS

For fiscal year 2020, up to \$400,000 of the payments authorized by chapter 69 of title 31, United States Code, may be retained for administrative expenses of the Payments in Lieu of Taxes Program: Provided, That the amounts provided under this Act specifically for the Payments in Lieu of Taxes program are the only amounts available for payments authorized under chapter 69 of title 31, United States Code: Provided further, That in the event the sums appropriated for any fiscal year for payments pursuant to this chapter are insufficient to make the full payments authorized by that chapter to all units of local government, then the payment to each local government shall be made proportionally: Provided further, That the Secretary may make adjustments to payment to individual units of local government to correct for prior overpayments or underpayments: Provided further, That no payment shall be made pursuant to that chapter to otherwise eligible units of local government if the computed amount of the payment is less than \$100.

INSULAR AFFAIRS  
ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior and other jurisdictions identified in section 104(e) of Public Law 108-188, \$108,631,000, of which: (1) \$99,140,000 shall remain available until expended for territorial assistance, including general technical assistance, maintenance assistance, disaster assistance, coral reef initiative and natural resources activities, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands, as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands, as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$9,491,000 shall be available until September 30, 2021, for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or used by such governments, may be audited by the Government Accountability Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 104-134: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance improvement of capital infrastructure with territorial participation and cost sharing to be determined by the Secretary based on the grantee's commitment to timely maintenance of its capital assets: Provided further, That any appropriation for disaster assistance under this heading in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For grants and necessary expenses, \$3,236,000, to remain available until expended, as provided for in sections 221(a)(2) and 233 of the Compact of Free Association for the Republic of Palau; and section 221(a)(2) of the Compacts of Free Association for the Government of the Republic of the Marshall Islands and the Federated States of Micronesia, as authorized by Public Law 99-658 and Public Law 108-188.

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

At the request of the Governor of Guam, the Secretary may transfer discretionary funds or mandatory funds provided under section 104(e) of Public Law 108-188 and Public Law 104-134, that are allocated for Guam, to the Secretary of Agriculture for the subsidy cost of direct or guaranteed loans, plus not to exceed three percent of the amount of the subsidy transferred for the cost of loan administration, for the purposes authorized by the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act for construction and repair projects in Guam, and such funds shall remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That such loans or loan guarantees may be made without regard to the population of the area, credit elsewhere require-

ments, and restrictions on the types of eligible entities under the Rural Electrification Act of 1936 and section 306(a)(1) of the Consolidated Farm and Rural Development Act: Provided further, That any funds transferred to the Secretary of Agriculture shall be in addition to funds otherwise made available to make or guarantee loans under such authorities.

OFFICE OF THE SOLICITOR  
SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$66,816,000.

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$55,986,000, to remain available until September 30, 2021.

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS  
(INCLUDING TRANSFER AND RESCISSION OF FUNDS)

For the operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, \$97,613,000, to remain available until expended, of which not to exceed \$17,911,000 from this or any other Act, may be available for historical accounting: Provided, That \$10,000,000 shall not be available for obligation until the Secretary provides the report required by section 304(a)(3) of the Indian Trust Asset Reform Act (Public Law 114-178) to terminate the Office of the Special Trustee in its entirety, to the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That funds for Trust Management improvements and litigation support may, as needed, be transferred to or merged with the Bureau of Indian Affairs "Operation of Indian Programs" and Bureau of Indian Education, "Operation of Indian Education Programs" account; the Office of the Solicitor, "Salaries and Expenses" account; and the Office of the Secretary, "Departmental Operations" account: Provided further, That funds made available through contracts or grants obligated during fiscal year 2020, as authorized by the Indian Self-Determination Act of 1975 (25 U.S.C. 5301 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the Secretary shall not be required to provide a quarterly statement of performance for any Indian trust account that has not had activity for at least 15 months and has a balance of \$15 or less: Provided further, That the Secretary shall issue an annual account statement and maintain a record of any such accounts and shall permit the balance in each such account to be withdrawn upon the express written request of the account holder: Provided further, That not to exceed \$50,000 is available for the Secretary to make payments to correct administrative errors of either disbursements from or deposits to Individual Indian Money or Tribal accounts after September 30, 2002: Provided further, That erroneous payments that are recovered shall be credited to and remain available in this account for this purpose: Provided further, That the Secretary shall not be required to reconcile Special Deposit Accounts with a balance of less than \$500 unless the Office of the Special Trustee receives proof of ownership from a Special Deposit Accounts claimant: Provided further, That notwithstanding section 102 of the American Indian Trust Fund Management Reform Act of 1994 (Public Law 103-412) or any other provision of law, the Secretary may aggregate the trust accounts of individuals whose whereabouts are unknown for a continuous period of at least five years and shall not be required to generate periodic statements of performance for the individual accounts: Provided further, That with respect to the ninth proviso, the Secretary shall continue to maintain sufficient records to determine the balance of the in-

dividual accounts, including any accrued interest and income, and such funds shall remain available to the individual account holders.

Of the unobligated balances from amounts made available for the Office of the Special Trustee for American Indians, \$3,000,000 is permanently rescinded: Provided, That no amounts may be rescinded from amounts that were designated by the Congress as an emergency requirement pursuant to the Concurrent Resolution on the Budget or the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT-WIDE PROGRAMS

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for fire preparedness, fire suppression operations, fire science and research, emergency rehabilitation, fuels management activities, and rural fire assistance by the Department of the Interior, \$952,338,000, to remain available until expended, of which not to exceed \$18,427,000 shall be for the renovation or construction of fire facilities: Provided, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That of the funds provided \$194,000,000 is for fuels management activities: Provided further, That of the funds provided \$20,470,000 is for burned area rehabilitation: Provided further, That persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That notwithstanding 42 U.S.C. 1856d, sums received by a bureau or office of the Department of the Interior for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., protection of United States property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without fiscal year limitation: Provided further, That using the amounts designated under this title of this Act, the Secretary of the Interior may enter into procurement contracts, grants, or cooperative agreements, for fuels management activities, and for training and monitoring associated with such fuels management activities on Federal land, or on adjacent non-Federal land for activities that benefit resources on Federal land: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That notwithstanding requirements of the Competition in Contracting Act, the Secretary, for purposes of fuels management activities, may obtain maximum practicable competition among: (1) local private, nonprofit, or cooperative entities; (2) Youth Conservation Corps crews, Public Lands Corps (Public Law 109-154), or related partnerships with State, local, or nonprofit youth groups; (3) small or micro-businesses; or (4) other entities that will hire or train locally a significant percentage, defined as 50 percent or more, of the project workforce to complete such contracts: Provided further, That in implementing this section, the Secretary shall develop written guidance to field units to ensure accountability and consistent application of the authorities provided herein: Provided further, That funds appropriated under this heading may be used to reimburse the United States Fish and Wildlife Service and the National Marine Fisheries Service for the costs of carrying out their responsibilities under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) to consult and conference, as required by section 7 of such Act, in connection with wildland fire management activities: Provided further, That the Secretary of the Interior may use wildland fire appropriations to enter into leases of real property with local governments, at or below fair market value, to construct capitalized improvements for



fire facilities on such leased properties, including but not limited to fire guard stations, retardant stations, and other initial attack and fire support facilities, and to make advance payments for any such lease or for construction activity associated with the lease: Provided further, That the Secretary of the Interior and the Secretary of Agriculture may authorize the transfer of funds appropriated for wildland fire management, in an aggregate amount not to exceed \$50,000,000, between the Departments when such transfers would facilitate and expedite wildland fire management programs and projects: Provided further, That funds provided for wildfire suppression shall be available for support of Federal emergency response actions: Provided further, That funds appropriated under this heading shall be available for assistance to or through the Department of State in connection with forest and rangeland research, technical information, and assistance in foreign countries, and, with the concurrence of the Secretary of State, shall be available to support forestry, wildland fire management, and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations. Provided further, That of the funds provided under this heading, \$383,657,000 is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition to the amounts provided under this heading for wildfire suppression operations, \$300,000,000, to remain available until expended, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided, That the Secretary of the Interior may transfer such amounts to the Department of Agriculture for wildfire suppression operations.

#### CENTRAL HAZARDOUS MATERIALS FUND

For necessary expenses of the Department of the Interior and any of its component offices and bureaus for the response action, including associated activities, performed pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), \$13,010,000, to remain available until expended, of which \$3,000,000, notwithstanding any other provision of law, shall be for analysis and initiation of radium decontamination and remediation at any land-grant university that may have been subject to such contamination as a result of actions of the former United States Bureau of Mines.

#### NATURAL RESOURCE DAMAGE ASSESSMENT AND RESTORATION

##### NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment, restoration activities, and onshore oil spill preparedness by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.), and 54 U.S.C. 100721 et seq., \$7,767,000, to remain available until expended.

#### WORKING CAPITAL FUND

For the operation and maintenance of a departmental financial and business management system, information technology improvements of general benefit to the Department, cybersecurity, and the consolidation of facilities and operations throughout the Department, \$69,284,000, to remain available until expended: Provided, That none of the funds appropriated in this Act or any other Act may be used to establish reserves in the Working Capital Fund account other than for accrued annual leave and depreciation of equipment without prior ap-

proval of the Committees on Appropriations of the House of Representatives and the Senate: Provided further, That the Secretary may assess reasonable charges to State, local and tribal government employees for training services provided by the National Indian Program Training Center, other than training related to Public Law 93-638: Provided further, That the Secretary may lease or otherwise provide space and related facilities, equipment or professional services of the National Indian Program Training Center to State, local and tribal government employees or persons or organizations engaged in cultural, educational, or recreational activities (as defined in section 3306(a) of title 40, United States Code) at the prevailing rate for similar space, facilities, equipment, or services in the vicinity of the National Indian Program Training Center: Provided further, That all funds received pursuant to the two preceding provisions shall be credited to this account, shall be available until expended, and shall be used by the Secretary for necessary expenses of the National Indian Program Training Center: Provided further, That the Secretary may enter into grants and cooperative agreements to support the Office of Natural Resource Revenue's collection and disbursement of royalties, fees, and other mineral revenue proceeds, as authorized by law.

#### ADMINISTRATIVE PROVISION

There is hereby authorized for acquisition from available resources within the Working Capital Fund, aircraft which may be obtained by donation, purchase or through available excess surplus property: Provided, That existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft.

#### OFFICE OF NATURAL RESOURCES REVENUE

For necessary expenses for management of the collection and disbursement of royalties, fees, and other mineral revenue proceeds, and for grants and cooperative agreements, as authorized by law, \$147,330,000, to remain available until September 30, 2021; of which \$50,651,000 shall remain available until expended for the purpose of mineral revenue management activities: Provided, That notwithstanding any other provision of law, \$15,000 shall be available for refunds of overpayments in connection with certain Indian leases in which the Secretary concurred with the claimed refund due, to pay amounts owed to Indian allottees or tribes, or to correct prior unrecoverable erroneous payments.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

##### (INCLUDING TRANSFERS OF FUNDS)

#### EMERGENCY TRANSFER AUTHORITY—INTRA-BUREAU

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible.

#### EMERGENCY TRANSFER AUTHORITY—DEPARTMENT-WIDE

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills;

for response and natural resource damage assessment activities related to actual oil spills or releases of hazardous substances into the environment; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 417(b) of Public Law 106-224 (7 U.S.C. 7717(b)); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for wildland fire operations shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for wildland fire operations, with such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That all funds used pursuant to this section must be replenished by a supplemental appropriation, which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

#### AUTHORIZED USE OF FUNDS

SEC. 103. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by section 3109 of title 5, United States Code, when authorized by the Secretary, in total amount not to exceed \$500,000; purchase and replacement of motor vehicles, including specially equipped law enforcement vehicles; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

#### AUTHORIZED USE OF FUNDS, INDIAN TRUST MANAGEMENT

SEC. 104. Appropriations made in this Act under the headings Bureau of Indian Affairs and Bureau of Indian Education, and Office of the Special Trustee for American Indians and any unobligated balances from prior appropriations Acts made under the same headings shall be available for expenditure or transfer for Indian trust management and reform activities. Total funding for historical accounting activities shall not exceed amounts specifically designated in this Act for such purpose. The Secretary shall notify the House and Senate Committees on Appropriations within 60 days of the expenditure or transfer of any funds under this section, including the amount expended or transferred and how the funds will be used.

#### REDISTRIBUTION OF FUNDS, BUREAU OF INDIAN AFFAIRS

SEC. 105. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to redistribute any Tribal Priority Allocation funds, including tribal base funds, to alleviate tribal funding inequities by transferring funds to address identified, unmet needs, dual enrollment, overlapping service areas or inaccurate distribution methodologies. No tribe shall receive a reduction in Tribal Priority Allocation funds of more than 10 percent in fiscal year 2020. Under circumstances of dual enrollment, overlapping service areas or inaccurate distribution methodologies, the 10 percent limitation does not apply.



## ELLIS, GOVERNORS, AND LIBERTY ISLANDS

SEC. 106. Notwithstanding any other provision of law, the Secretary of the Interior is authorized to acquire lands, waters, or interests therein including the use of all or part of any pier, dock, or landing within the State of New York and the State of New Jersey, for the purpose of operating and maintaining facilities in the support of transportation and accommodation of visitors to Ellis, Governors, and Liberty Islands, and of other program and administrative activities, by donation or with appropriated funds, including franchise fees (and other monetary consideration), or by exchange; and the Secretary is authorized to negotiate and enter into leases, subleases, concession contracts or other agreements for the use of such facilities on such terms and conditions as the Secretary may determine reasonable.

## OUTER CONTINENTAL SHELF INSPECTION FEES

SEC. 107. (a) In fiscal year 2020, the Secretary shall collect a nonrefundable inspection fee, which shall be deposited in the "Offshore Safety and Environmental Enforcement" account, from the designated operator for facilities subject to inspection under 43 U.S.C. 1348(c).

(b) Annual fees shall be collected for facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year. Fees for fiscal year 2020 shall be:

- (1) \$11,500 for facilities with no wells, but with processing equipment or gathering lines;
- (2) \$18,500 for facilities with 1 to 10 wells, with any combination of active or inactive wells; and
- (3) \$34,500 for facilities with more than 10 wells, with any combination of active or inactive wells.

(c) Fees for drilling rigs shall be assessed for all inspections completed in fiscal year 2020. Fees for fiscal year 2020 shall be:

- (1) \$33,500 per inspection for rigs operating in water depths of 500 feet or more; and
  - (2) \$18,500 per inspection for rigs operating in water depths of less than 500 feet.
- (d) Fees for inspection of well operations conducted via non-rig units as outlined in title 30 CFR 250 subparts D, E, F, and Q shall be assessed for all inspections completed in fiscal year 2020. Fees for fiscal year 2020 shall be:

- (1) \$13,260 per inspection for non-rig units operating in water depths of 2,500 feet or more;
- (2) \$11,530 per inspection for non-rig units operating in water depths between 500 and 2,499 feet; and
- (3) \$4,470 per inspection for non-rig units operating in water depths of less than 500 feet.

(e) The Secretary shall bill designated operators under subsection (b) quarterly, with payment required within 30 days of billing. The Secretary shall bill designated operators under subsections (c) and (d) within 30 days of the end of the month in which the inspection occurred, with payment required within 30 days of billing.

## DISCLOSURE OF WAIVERS

SEC. 108. (a) Subject to subsection (b), in any case in which the Bureau of Safety and Environmental Enforcement or the Bureau of Ocean Energy Management issues any waiver, departure, deviation, variance, or any other alternative compliance authorization from any law, rule, regulation, or other directive, the head of such bureau shall post a copy of such waiver, departure, deviation, variance, or other alternative compliance authorization on such bureau's publically available website not more than 3 business days after such issuance.

(b) The head of each bureau may redact confidential business information.

## CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES

SEC. 109. Notwithstanding any other provision of this Act, the Secretary of the Interior may enter into multiyear cooperative agreements with nonprofit organizations and other appropriate entities, and may enter into multiyear contracts in accordance with the provisions of

section 3903 of title 41, United States Code (except that the 5-year term restriction in subsection (a) shall not apply), for the long-term care and maintenance of excess wild free roaming horses and burros by such organizations or entities on private land. Such cooperative agreements and contracts may not exceed 10 years, subject to renewal at the discretion of the Secretary.

## MASS MARKING OF SALMONIDS

SEC. 110. The United States Fish and Wildlife Service shall, in carrying out its responsibilities to protect threatened and endangered species of salmon, implement a system of mass marking of salmonid stocks, intended for harvest, that are released from federally operated or federally financed hatcheries including but not limited to fish releases of coho, chinook, and steelhead species. Marked fish must have a visible mark that can be readily identified by commercial and recreational fishers.

## CONTRACTS AND AGREEMENTS WITH INDIAN AFFAIRS

SEC. 111. Notwithstanding any other provision of law, during fiscal year 2020, in carrying out work involving cooperation with State, local, and tribal governments or any political subdivision thereof, Indian Affairs may record obligations against accounts receivable from any such entities, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year.

## HUMANE TRANSFER OF EXCESS ANIMALS

SEC. 112. Notwithstanding any other provision of law, the Secretary of the Interior may transfer excess wild horses or burros that have been removed from the public lands to other Federal, State, and local government agencies for use as work animals: Provided, That the Secretary may make any such transfer immediately upon request of such Federal, State, or local government agency: Provided further, That any excess animal transferred under this provision shall lose its status as a wild free-roaming horse or burro as defined in the Wild Free-Roaming Horses and Burros Act: Provided further, That any Federal, State, or local government agency receiving excess wild horses or burros as authorized in this section shall not: destroy the horses or burros in a way that results in their destruction into commercial products; sell or otherwise transfer the horses or burros in a way that results in their destruction for processing into commercial products; or euthanize the horses or burros except upon the recommendation of a licensed veterinarian, in cases of severe injury, illness, or advanced age.

## DEPARTMENT OF THE INTERIOR EXPERIENCED SERVICES PROGRAM

SEC. 113. (a) Notwithstanding any other provision of law relating to Federal grants and cooperative agreements, the Secretary of the Interior is authorized to make grants to, or enter into cooperative agreements with, private nonprofit organizations designated by the Secretary of Labor under title V of the Older Americans Act of 1965 to utilize the talents of older Americans in programs authorized by other provisions of law administered by the Secretary and consistent with such provisions of law.

(b) Prior to awarding any grant or agreement under subsection (a), the Secretary shall ensure that the agreement would not—

(1) result in the displacement of individuals currently employed by the Department, including partial displacement through reduction of non-overtime hours, wages, or employment benefits;

(2) result in the use of an individual under the Department of the Interior Experienced Services Program for a job or function in a case in which a Federal employee is in a layoff status from the same or substantially equivalent job within the Department; or

(3) affect existing contracts for services.

## PAYMENTS IN LIEU OF TAXES (PILT)

SEC. 114. Section 6906 of title 31, United States Code, is amended by striking "fiscal year 2019" and inserting "fiscal year 2020".

## REPUBLIC OF THE MARSHALL ISLANDS

SEC. 115. As authorized in section 111(d) of the Compact of Free Association Act of 1985 (Public Law 99-239; 99 Stat. 1799; 48 U.S.C. 1911) and section 108(b) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2755; 48 U.S.C. 1921g), \$5,000,000 is hereby appropriated to the Secretary of the Interior, to remain available until expended by the Secretary, for the Republic of the Marshall Islands to deposit in the Compact Trust Fund of the Republic of the Marshall Islands as compensation for adverse financial and economic impacts resulting from the effect of title IV of the Compact of Free Association Act of 1985 (Public Law 99-239; 99 Stat. 1799; 48 U.S.C. 1911) upon title II of the Compact.

## OBLIGATION OF FUNDS

SEC. 116. Amounts appropriated by this Act to the Department of the Interior shall be available for obligation and expenditure not later than 60 days after the date of enactment of this Act.

## RESTRICTION ON USE OF FUNDS

SEC. 117. Before the final 2019-2024 Outer Continental Shelf Oil and Gas Leasing Program, or any plan that is dated later than 2017-2022, is published in the Federal Register, none of the funds made available to the Department of Interior by this or any other Act may be used to conduct offshore oil and gas pre-leasing, leasing and related activities for any lease sale proposed in the Draft Proposed Program described in the "Notice of Availability of the 2019-2024 Draft Proposed Outer Continental Shelf Oil and Gas Leasing Program and Notice of Intent to Prepare a Programmatic Environmental Impact Statement" published in the Federal Register on January 8, 2018 (83 Fed. Reg. 829), unless such sale was also contained in the 2017-2022 Outer Continental Shelf Oil and Gas Proposed Final Program described in the "Notice of Availability of the 2017-2022 Outer Continental Shelf Oil and Gas Leasing Proposed Final Program" published in the Federal Register on November 23, 2016 (81 Fed. Reg. 84612).

## FUNDING RESTRICTION

SEC. 118. None of the funds made available to the Department of the Interior by this or any other Act may be used to conduct a lease sale pursuant to section 20001(c)(1) of Public Law 115-97 which does not contain a national minimum acceptable bid amount sufficient to produce Federal receipts to the Treasury, net of any state share, of no less than 50 percent of the amount required by section 2001(b) of H. Con. Res. 71, the concurrent resolution on the budget for fiscal year 2018, as agreed to on October 26, 2017.

## EXTENSION OF AUTHORITIES

SEC. 119. (a) Section 512 of Title V of Division J of P.L. 108-447 is amended by striking "on the date that is 15 years after the date that funds are first made available for this title." and inserting "after September 30, 2022."

(b) Section 608 of Title VI of Division J of P.L. 108-447 is amended by striking "the expiration of the 15-year period beginning on the date that funds are first made available for this title." and inserting "September 30, 2022."

(c) Section 109 of Title I of Public Law 103-449, as amended by Public Law 111-11, title VIII section 8201(c), is further amended by striking "\$15,000,000" and inserting "\$17,000,000".

(d) Section 608(a) of Division II of Public Law 104-333, as amended by Public Law 110-229 section 461, is further amended by striking "\$15,000,000" and inserting "\$17,000,000".

(e) Section 810(a)(1) of Title VIII of Division B of Appendix D of Public Law 106-554, as amended by Public Law 115-31, Division G, Title I section 115(b), is further amended by striking "\$12,000,000" and inserting "\$14,000,000".

## SEPARATION OF ACCOUNTS

SEC. 120. The Secretary of the Interior, in order to implement an orderly transition to separate accounts of the Bureau of Indian Affairs and the Bureau of Indian Education, may transfer funds among and between the successor offices and bureaus affected by the reorganization only in conformance with the reprogramming guidelines described in this Act.

## TITLE II

ENVIRONMENTAL PROTECTION AGENCY  
SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; necessary expenses for personnel and related costs and travel expenses; procurement of laboratory equipment and supplies; and other operating expenses in support of research and development, \$727,633,000, to remain available until September 30, 2021: Provided, That of the funds included under this heading, \$6,000,000 shall be for Research: National Priorities as specified in the report accompanying this Act.

## ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; administrative costs of the brownfields program under the Small Business Liability Relief and Brownfields Revitalization Act of 2002; implementation of a coal combustion residual permit program under section 2301 of the Water and Waste Act of 2016; and not to exceed \$9,000 for official reception and representation expenses, \$2,707,704,000, to remain available until September 30, 2021: Provided, That of the funds included under this heading, \$17,700,000 shall be for Environmental Protection: National Priorities as specified in the report accompanying this Act. Provided further, That of the funds included under this heading, \$501,958,000 shall be for Geographic Programs specified in the report accompanying this Act.

In addition, \$5,000,000 to remain available until expended, for necessary expenses of activities described in section 26(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2625(b)(1)): Provided, That fees collected pursuant to that section of that Act and deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2020 shall be retained and used for necessary salaries and expenses in this appropriation and shall remain available until expended: Provided further, That the sum herein appropriated in this paragraph from the general fund for fiscal year 2020 shall be reduced by the amount of discretionary offsetting receipts received during fiscal year 2020, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$0: Provided further, That to the extent that amounts realized from such receipts exceed \$5,000,000, those amount in excess of \$5,000,000 shall be deposited in the "TSCA Service Fee Fund" as discretionary offsetting receipts in fiscal year 2020, shall be retained and used for necessary salaries and expenses in this account, and shall remain available until expended: Provided further, That of the funds included in the first paragraph under this heading, the Chemical Risk Review and Reduction program project shall be allocated for this fiscal year, excluding the amount of any fees appropriated, not less than the amount of appropriations for that program project for fiscal year 2014.

HAZARDOUS WASTE ELECTRONIC MANIFEST  
SYSTEM FUND

For necessary expenses to carry out section 3024 of the Solid Waste Disposal Act (42 U.S.C. 6939g), including the development, operation, maintenance, and upgrading of the hazardous waste electronic manifest system established by such section, \$8,000,000, to remain available until expended: Provided, That the sum herein appropriated from the general fund shall be reduced as offsetting collections under such section 3024 are received during fiscal year 2020, which shall remain available until expended and be used for necessary expenses in this appropriation, so as to result in a final fiscal year 2020 appropriation from the general fund estimated at not more than \$0: Provided further, That to the extent such offsetting collections received in fiscal year 2020 exceed \$8,000,000, those excess amounts shall remain available until expended and be used for necessary expenses in this appropriation.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, \$48,514,000, to remain available until September 30, 2021.

## BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or for use by, the Environmental Protection Agency, \$39,553,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND  
(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including sections 111(c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and hire, maintenance, and operation of aircraft, \$1,214,648,000, to remain available until expended, consisting of such sums as are available in the Trust Fund on September 30, 2019, as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA) and up to \$1,214,648,000 as a payment from general revenues to the Hazardous Substance Superfund for purposes as authorized by section 517(b) of SARA: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That of the funds appropriated under this heading, \$9,586,000 shall be paid to the "Office of Inspector General" appropriation to remain available until September 30, 2021, and \$30,496,000 shall be paid to the "Science and Technology" appropriation to remain available until September 30, 2021.

LEAKING UNDERGROUND STORAGE TANK TRUST  
FUND PROGRAM

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by subtitle I of the Solid Waste Disposal Act, \$94,410,000, to remain available until expended, of which \$69,041,000 shall be for carrying out leaking underground storage tank cleanup activities authorized by section 9003(h) of the Solid Waste Disposal Act; \$25,369,000 shall be for carrying out the other provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code: Provided, That the Administrator is authorized to use appropriations made available under this heading to implement section 9013 of the Solid Waste Disposal Act to provide financial assistance to federally recognized Indian tribes for the development and implementation of programs to manage underground storage tanks.

## INLAND OIL SPILL PROGRAMS

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, including hire, maintenance, and operation of aircraft,

\$23,237,000, to be derived from the Oil Spill Liability trust fund, to remain available until expended.

## STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, \$4,620,992,000, to remain available until expended, of which—

(1) \$1,784,000,000 shall be for making capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act; and of which \$1,300,000,000 shall be for making capitalization grants for the Drinking Water State Revolving Funds under section 1452 of the Safe Drinking Water Act: Provided, That for fiscal year 2020, to the extent there are sufficient eligible project applications and projects are consistent with State Intended Use Plans, not less than 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants shall be used by the State for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That for fiscal year 2020, funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants may, at the discretion of each State, be used for projects to address green infrastructure, water or energy efficiency improvements, or other environmentally innovative activities: Provided further, That notwithstanding section 603(d)(7) of the Federal Water Pollution Control Act, the limitation on the amounts in a State water pollution control revolving fund that may be used by a State to administer the fund shall not apply to amounts included as principal in loans made by such fund in fiscal year 2020 and prior years where such amounts represent costs of administering the fund to the extent that such amounts are or were deemed reasonable by the Administrator, accounted for separately from other assets in the fund, and used for eligible purposes of the fund, including administration: Provided further, That for fiscal year 2020, notwithstanding the provisions of subsections (g)(1), (h), and (l) of section 201 of the Federal Water Pollution Control Act, grants made under title II of such Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, the United States Virgin Islands, and the District of Columbia may also be made for the purpose of providing assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: Provided further, That for fiscal year 2020, notwithstanding the provisions of such subsections (g)(1), (h), and (l) of section 201 and section 518(c) of the Federal Water Pollution Control Act, funds reserved by the Administrator for grants under section 518(c) of the Federal Water Pollution Control Act may also be used to provide assistance: (1) solely for facility plans, design activities, or plans, specifications, and estimates for any proposed project for the construction of treatment works; and (2) for the construction, repair, or replacement of privately owned treatment works serving one or more principal residences or small commercial establishments: Provided further, That for fiscal year 2020, notwithstanding any provision of the Federal Water Pollution Control Act and regulations issued pursuant thereof, up to a total of \$2,000,000 of the funds reserved by the Administrator for grants under section 518(c) of such Act may also be used for grants for training, technical assistance, and educational programs relating to the operation and management of the treatment works specified in section 518(c) of such Act: Provided further, That for fiscal year

2020, funds reserved under section 518(c) of such Act shall be available for grants only to Indian tribes, as defined in section 518(h) of such Act and former Indian reservations in Oklahoma (as determined by the Secretary of the Interior) and Native Villages as defined in Public Law 92-203: Provided further, That for fiscal year 2020, notwithstanding the limitation on amounts in section 518(c) of the Federal Water Pollution Control Act, up to a total of 2 percent of the funds appropriated, or \$30,000,000, whichever is greater, and notwithstanding the limitation on amounts in section 1452(i) of the Safe Drinking Water Act, up to a total of 2 percent of the funds appropriated, or \$20,000,000, whichever is greater, for State Revolving Funds under such Acts may be reserved by the Administrator for grants under section 518(c) and section 1452(i) of such Acts: Provided further, That for fiscal year 2020, notwithstanding the amounts specified in section 205(c) of the Federal Water Pollution Control Act, up to 1.5 percent of the aggregate funds appropriated for the Clean Water State Revolving Fund program under the Act less any sums reserved under section 518(c) of the Act, may be reserved by the Administrator for grants made under title II of the Federal Water Pollution Control Act for American Samoa, Guam, the Commonwealth of the Northern Marianas, and United States Virgin Islands: Provided further, That for fiscal year 2020, notwithstanding the limitations on amounts specified in section 1452(j) of the Safe Drinking Water Act, up to 1.5 percent of the funds appropriated for the Drinking Water State Revolving Fund programs under the Safe Drinking Water Act may be reserved by the Administrator for grants made under section 1452(j) of the Safe Drinking Water Act: Provided further, That 10 percent of the funds made available under this title to each State for Clean Water State Revolving Fund capitalization grants and 14 percent of the funds made available under this title to each State for Drinking Water State Revolving Fund capitalization grants shall be used by the State to provide additional subsidy to eligible recipients in the form of forgiveness of principal, negative interest loans, or grants (or any combination of these), and shall be so used by the State only where such funds are provided as initial financing for an eligible recipient or to buy, refinance, or restructure the debt obligations of eligible recipients only where such debt was incurred on or after the date of enactment of this Act, or where such debt was incurred prior to the date of enactment of this Act if the State, with concurrence from the Administrator, determines that such funds could be used to help address a threat to public health from heightened exposure to lead in drinking water or if a Federal or State emergency declaration has been issued due to a threat to public health from heightened exposure to lead in a municipal drinking water supply before the date of enactment of this Act: Provided further, That in a State in which such an emergency declaration has been issued, the State may use more than 14 percent of the funds made available under this title to the State for Drinking Water State Revolving Fund capitalization grants to provide additional subsidy to eligible recipients;

(2) \$30,000,000 shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission: Provided, That no funds provided by this appropriations Act to address the water, wastewater and other critical infrastructure needs of the colonias in the United States along the United States-Mexico border shall be made available to a county or municipal government unless that government has established an enforceable local ordinance, or other zoning rule, which prevents in that jurisdiction the development or construction of any additional colonia areas, or the development within

an existing colonia the construction of any new home, business, or other structure which lacks water, wastewater, or other necessary infrastructure;

(3) \$20,000,000 shall be for grants to the State of Alaska to address drinking water and wastewater infrastructure needs of rural and Alaska Native Villages: Provided, That of these funds: (A) the State of Alaska shall provide a match of 25 percent; (B) no more than 5 percent of the funds may be used for administrative and overhead expenses; and (C) the State of Alaska shall make awards consistent with the Statewide priority list established in conjunction with the Agency and the U.S. Department of Agriculture for all water, sewer, waste disposal, and similar projects carried out by the State of Alaska that are funded under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301) or the Consolidated Farm and Rural Development Act (7 U.S.C. 1921 et seq.) which shall allocate not less than 25 percent of the funds provided for projects in regional hub communities;

(4) \$105,000,000 shall be to carry out section 104(k) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), including grants, interagency agreements, and associated program support costs: Provided, That not more than 25 percent of the amount appropriated to carry out section 104(k) of CERCLA shall be used for site characterization, assessment, and remediation of facilities described in section 101(39)(D)(ii)(II) of CERCLA: Provided further, That at least 10 percent shall be allocated for assistance in persistent poverty counties: Provided further, That for purposes of this section, the term “persistent poverty counties” means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial censuses and the most recent Small Area Income and Poverty Estimates;

(5) \$55,000,000 shall be for grants under title VII, subtitle G of the Energy Policy Act of 2005;

(6) \$30,000,000 shall be for targeted airshed grants in accordance with the terms and conditions in the report accompanying this Act;

(7) \$4,000,000 shall be to carry out the water quality program authorized in section 5004(d) of the Water Infrastructure Improvements for the Nation Act (Public Law 114-322);

(8) \$25,000,000 shall be for grants and other activities under subsections (a) through (j) of section 1459A of the Safe Drinking Water Act (42 U.S.C. 300j-19a);

(9) \$25,000,000 shall be for grants and other activities under section 1464(d) of the Safe Drinking Water Act (42 U.S.C. 300j-24(d));

(10) \$20,000,000 shall be for grants under section 1459B of the Safe Drinking Water Act (42 U.S.C. 300j-19b);

(11) \$4,000,000 shall be for grants under section 1459A(l) of the Safe Drinking Water Act (42 U.S.C. 300j-19a(l));

(12) \$13,000,000 shall be for grants under section 104(b)(8) of the Federal Water Pollution Control Act (33 U.S.C. 1254(b)(8));

(13) \$90,000,000 shall be for grants under section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301);

(14) \$1,000,000 shall be for grants under section 4304(b) of America's Water Infrastructure Act of 2018 (Public Law 115-270); and

(15) \$1,114,992,000 shall be for grants, including associated program support costs, to States, federally recognized tribes, interstate agencies, tribal consortia, and air pollution control agencies for multi-media or single media pollution prevention, control and abatement and related activities, including activities pursuant to the provisions set forth under this heading in Public Law 104-134, and for making grants under section 103 of the Clean Air Act for particulate matter monitoring and data collection activities subject to terms and conditions specified by the Administrator, of which: \$47,745,000 shall be for carrying out section 128 of CERCLA; \$9,646,000

shall be for Environmental Information Exchange Network grants, including associated program support costs; \$1,498,000 shall be for grants to States under section 2007(f)(2) of the Solid Waste Disposal Act, which shall be in addition to funds appropriated under the heading “Leaking Underground Storage Tank Trust Fund Program” to carry out the provisions of the Solid Waste Disposal Act specified in section 9508(c) of the Internal Revenue Code other than section 9003(h) of the Solid Waste Disposal Act; \$17,848,000 of the funds available for grants under section 106 of the Federal Water Pollution Control Act shall be for State participation in national- and State-level statistical surveys of water resources and enhancements to State monitoring programs.

#### WATER INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM ACCOUNT

For the cost of direct loans and for the cost of guaranteed loans, as authorized by the Water Infrastructure Finance and Innovation Act of 2014, \$45,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans, including capitalized interest, and total loan principal, including capitalized interest, any part of which is to be guaranteed, not to exceed \$5,490,000,000.

In addition, fees authorized to be collected pursuant to sections 5029 and 5030 of the Water Infrastructure Finance and Innovation Act of 2014 shall be deposited in this account, to remain available until expended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, notwithstanding section 5033 of the Water Infrastructure Finance and Innovation Act of 2014, \$5,000,000, to remain available until September 30, 2021.

#### ADMINISTRATIVE PROVISIONS—ENVIRONMENTAL PROTECTION AGENCY

##### (INCLUDING TRANSFERS OF FUNDS)

For fiscal year 2020, notwithstanding 31 U.S.C. 6303(1) and 6305(1), the Administrator of the Environmental Protection Agency, in carrying out the Agency's function to implement directly Federal environmental programs required or authorized by law in the absence of an acceptable tribal program, may award cooperative agreements to federally recognized Indian tribes or Intertribal consortia, if authorized by their member tribes, to assist the Administrator in implementing Federal environmental programs for Indian tribes required or authorized by law, except that no such cooperative agreements may be awarded from funds designated for State financial assistance agreements.

The Administrator of the Environmental Protection Agency is authorized to collect and obligate pesticide registration service fees in accordance with section 33 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by Public Law 116-8, the Pesticide Registration Improvement Extension Act of 2018.

Notwithstanding section 33(d)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136w-8(d)(2)), the Administrator of the Environmental Protection Agency may assess fees under section 33 of FIFRA (7 U.S.C. 136w-8) for fiscal year 2020.

The Administrator is authorized to transfer up to \$320,000,000 of the funds appropriated for the Great Lakes Restoration Initiative under the heading “Environmental Programs and Management” to the head of any Federal department or agency, with the concurrence of such head, to carry out activities that would support the Great Lakes Restoration Initiative and Great Lakes Water Quality Agreement programs, projects, or activities; to enter into an interagency agreement with the head of such Federal department or agency to carry out these

activities; and to make grants to governmental entities, nonprofit organizations, institutions, and individuals for planning, research, monitoring, outreach, and implementation in furtherance of the Great Lakes Restoration Initiative and the Great Lakes Water Quality Agreement.

The Science and Technology, Environmental Programs and Management, Office of Inspector General, Hazardous Substance Superfund, and Leaking Underground Storage Tank Trust Fund Program Accounts, are available for the construction, alteration, repair, rehabilitation, and renovation of facilities, provided that the cost does not exceed \$150,000 per project.

For fiscal year 2020, and notwithstanding section 518(f) of the Federal Water Pollution Control Act (33 U.S.C. 1377(f)), the Administrator is authorized to use the amounts appropriated for any fiscal year under section 319 of the Act to make grants to Indian tribes pursuant to sections 319(h) and 518(e) of that Act.

The Administrator is authorized to use the amounts appropriated under the heading "Environmental Programs and Management" for fiscal year 2020 to provide grants to implement the Southeastern New England Watershed Restoration Program.

Notwithstanding the limitations on amounts in section 320(i)(2)(B) of the Federal Water Pollution Control Act, not less than \$4,000,000 of the funds made available under this title for the National Estuary Program shall be for making competitive awards described in section 320(g)(4).

The fourth paragraph under heading "Administrative Provisions" in title II of Public Law 109-54 is amended by striking "2020" and inserting "2025".

### TITLE III

#### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

###### OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary expenses of the Office of the Under Secretary for Natural Resources and Environment, \$875,000: Provided, That funds made available by this Act to any agency in the Natural Resources and Environment mission area for salaries and expenses are available to fund up to one administrative support staff for the office.

###### FOREST SERVICE

###### FOREST SERVICE OPERATIONS

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Forest Service, not otherwise provided for, \$921,849,000 to remain available through September 30, 2021, for (1) the base salary and expenses of permanent employees carrying out administrative and general management support functions of the Forest Service; (2) the costs of leases for buildings and sites where such support functions take place; (3) the costs of utility and telecommunication expenses, business services, and information technology, including cybersecurity requirements; and (4) such other administrative support function expenses necessary for the operation of the Forest Service: Provided, That not to exceed \$565,713,000 shall be available for the base salaries and expenses described in paragraph (1): Provided further, That any unobligated balances available to the Forest Service from prior fiscal years for the purposes described under this heading shall be transferred to and merged with this account: Provided further, That any funding for the purposes described under this heading that are authorized to be paid by permanent funds or trust funds of the Forest Service shall be transferred to and merged with this account: Provided further, That none of the funds provided to the Forest Service under this Act (other than under this heading) may be used to fund indirect expenses that before the date of the enactment of this Act

were provided for through discretionary cost pools.

###### FOREST AND RANGELAND RESEARCH

For necessary expenses of forest and rangeland research as authorized by law, \$277,155,000, to remain available through September 30, 2023: Provided, That of the funds provided, \$73,174,000 is for the forest inventory and analysis program: Provided further, That all authorities for the use of funds, including the use of contracts, grants, and cooperative agreements, available to execute the Forest and Rangeland Research appropriation, are also available in the utilization of these funds for Fire Science Research.

###### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with and providing technical and financial assistance to States, territories, possessions, and others, and for forest health management, and conducting an international program as authorized, \$382,894,000, to remain available through September 30, 2023, as authorized by law; of which \$75,000,000 is to be derived from the Land and Water Conservation Fund to be used for the Forest Legacy Program, to remain available until expended.

###### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for hazardous fuels management on or adjacent to such lands, \$1,599,308,000, to remain available through September 30, 2023: Provided, That of the funds provided, \$35,526,000 shall be deposited in the Collaborative Forest Landscape Restoration Fund for ecological restoration treatments as authorized by 16 U.S.C. 7303(f): Provided further, That of the funds provided, \$276,603,000 shall be for forest products: Provided further, That of the funds provided, \$390,169,000 shall be for hazardous fuels management activities, of which not to exceed \$15,000,000 may be used to make grants, using any authorities available to the Forest Service under the "State and Private Forestry" appropriation, for the purpose of creating incentives for increased use of biomass from National Forest System lands: Provided further, That \$20,000,000 may be used by the Secretary of Agriculture to enter into procurement contracts or cooperative agreements or to issue grants for hazardous fuels management activities, and for training or monitoring associated with such hazardous fuels management activities on Federal land, or on non-Federal land if the Secretary determines such activities benefit resources on Federal land: Provided further, That funds made available to implement the Community Forestry Restoration Act, Public Law 106-393, title VI, shall be available for use on non-Federal lands in accordance with authorities made available to the Forest Service under the "State and Private Forestry" appropriations: Provided further, That notwithstanding section 33 of the Bankhead Jones Farm Tenant Act (7 U.S.C. 1012), the Secretary of Agriculture, in calculating a fee for grazing on a National Grassland, may provide a credit of up to 50 percent of the calculated fee to a Grazing Association or direct permittee for a conservation practice approved by the Secretary in advance of the fiscal year in which the cost of the conservation practice is incurred. And, that the amount credited shall remain available to the Grazing Association or the direct permittee, as appropriate, in the fiscal year in which the credit is made and each fiscal year thereafter for use on the project for conservation practices approved by the Secretary.

###### CAPITAL IMPROVEMENT AND MAINTENANCE

For necessary expenses of the Forest Service, not otherwise provided for, \$419,103,000, to remain available through September 30, 2023, for construction, capital improvement, maintenance and acquisition of buildings and other facilities

and infrastructure; and for construction, reconstruction, decommissioning of roads that are no longer needed, including unauthorized roads that are not part of the transportation system, and maintenance of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: Provided, That funds becoming available in fiscal year 2020 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury and shall not be available for transfer or obligation for any other purpose unless the funds are appropriated.

###### LAND ACQUISITION

For expenses necessary to carry out the provisions of chapter 2003 of title 54, United States Code, including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$90,000,000, to be derived from the Land and Water Conservation Fund and to remain available until expended.

###### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California; and the Ozark-St. Francis and Ouachita National Forests, Arkansas; as authorized by law, \$700,000, to be derived from forest receipts.

###### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, such sums, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities, and for authorized expenditures from funds deposited by non-Federal parties pursuant to Land Sale and Exchange Acts, pursuant to the Act of December 4, 1967 (16 U.S.C. 484a), to remain available through September 30, 2022, (16 U.S.C. 516-517a, 555a; Public Law 96-586; Public Law 76-589, 76-591; and Public Law 78-310).

###### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 percent of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the 16 Western States, pursuant to section 401(b)(1) of Public Law 94-579, to remain available through September 30, 2023, of which not to exceed 6 percent shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

###### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$45,000, to remain available through September 30, 2023, to be derived from the fund established pursuant to the above Act.

###### MANAGEMENT OF NATIONAL FOREST LANDS FOR SUBSISTENCE USES

For necessary expenses of the Forest Service to manage Federal lands in Alaska for subsistence uses under title VIII of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3111 et seq.), \$2,500,000, to remain available through September 30, 2023.

###### WILDLAND FIRE MANAGEMENT

###### (INCLUDING TRANSFERS OF FUNDS)

For necessary expenses for forest fire suppression activities on National Forest System lands, for emergency wildland fire suppression on or adjacent to such lands or other lands under fire protection agreement, and for emergency rehabilitation of burned-over National Forest System lands and water,

\$2,009,545,000, to remain available through September 30, 2023: Provided, That such funds including unobligated balances under this heading, are available for repayment of advances from other appropriations accounts previously transferred for such purposes: Provided further, That any unobligated funds appropriated in a previous fiscal year for hazardous fuels management may be transferred to the "National Forest System" account: Provided further, That such funds shall be available to reimburse State and other cooperating entities for services provided in response to wildfire and other emergencies or disasters to the extent such reimbursements by the Forest Service for non-fire emergencies are fully repaid by the responsible emergency management agency: Provided further, That funds provided shall be available for support to Federal emergency response: Provided further, That the costs of implementing any cooperative agreement between the Federal Government and any non-Federal entity may be shared, as mutually agreed on by the affected parties: Provided further, That of the funds provided under this heading, \$1,011,000,000 shall be available for wildfire suppression operations, and is provided to meet the terms of section 251(b)(2)(F)(ii)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

In addition to the amounts provided under this heading for wildfire suppression operations, \$1,950,000,000, to remain available until expended, is additional new budget authority as specified for purposes of section 251(b)(2)(F) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided, That the Secretary of Agriculture may transfer such amounts to the Department of Interior for wildfire suppression operations.

#### ADMINISTRATIVE PROVISIONS—FOREST SERVICE (INCLUDING TRANSFERS OF FUNDS)

Appropriations to the Forest Service for the current fiscal year shall be available for: (1) purchase of passenger motor vehicles; acquisition of passenger motor vehicles from excess sources, and hire of such vehicles; purchase, lease, operation, maintenance, and acquisition of aircraft to maintain the operable fleet for use in Forest Service wildland fire programs and other Forest Service programs; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (2) services pursuant to 7 U.S.C. 2225, and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (3) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (4) acquisition of land, waters, and interests therein pursuant to 7 U.S.C. 428a; (5) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, and 558a note); (6) the cost of uniforms as authorized by 5 U.S.C. 5901–5902; and (7) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

Not more than \$50,000,000 of funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior for wildland fire management, hazardous fuels management, and State fire assistance when such transfers would facilitate and expedite wildland fire management programs and projects.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with U.S., private, and international organizations. The Forest Service, acting for the International Program, may sign direct funding agreements with foreign governments and institutions as well as

other domestic agencies (including the U.S. Agency for International Development, the Department of State, and the Millennium Challenge Corporation), U.S. private sector firms, institutions and organizations to provide technical assistance and training programs overseas on forestry and rangeland management.

Funds appropriated to the Forest Service shall be available for expenditure or transfer to the Department of the Interior, Bureau of Land Management, for removal, preparation, and adoption of excess wild horses and burros from National Forest System lands, and for the performance of cadastral surveys to designate the boundaries of such lands.

None of the funds made available to the Forest Service in this Act or any other Act with respect to any fiscal year shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257), section 442 of Public Law 106–224 (7 U.S.C. 7772), or section 10417(b) of Public Law 107–171 (7 U.S.C. 8316(b)).

Not more than \$82,000,000 of funds available to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture and not more than \$14,500,000 of funds available to the Forest Service shall be transferred to the Department of Agriculture for Department Reimbursable Programs, commonly referred to as Greenbook charges. Nothing in this paragraph shall prohibit or limit the use of reimbursable agreements requested by the Forest Service in order to obtain services from the Department of Agriculture's National Information Technology Center and the Department of Agriculture's International Technology Service.

Of the funds available to the Forest Service, up to \$5,000,000 shall be available for priority projects within the scope of the approved budget, which shall be carried out by the Youth Conservation Corps and shall be carried out under the authority of the Public Lands Corps Act of 1993 (16 U.S.C. 1721 et seq.).

Of the funds available to the Forest Service, \$4,000 is available to the Chief of the Forest Service for official reception and representation expenses.

Pursuant to sections 405(b) and 410(b) of Public Law 101–593, of the funds available to the Forest Service, up to \$3,000,000 may be advanced in a lump sum to the National Forest Foundation to aid conservation partnership projects in support of the Forest Service mission, without regard to when the Foundation incurs expenses, for projects on or benefitting National Forest System lands or related to Forest Service programs: Provided, That of the Federal funds made available to the Foundation, no more than \$300,000 shall be available for administrative expenses: Provided further, That the Foundation shall obtain, by the end of the period of Federal financial assistance, private contributions to match funds made available by the Forest Service on at least a one-for-one basis: Provided further, That the Foundation may transfer Federal funds to a Federal or a non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Pursuant to section 2(b)(2) of Public Law 98–244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities and natural resource-based businesses for sustainable rural development purposes.

Funds appropriated to the Forest Service shall be available for payments to counties within the Columbia River Gorge National Scenic Area, pursuant to section 14(c)(1) and (2), and section 16(a)(2) of Public Law 99–663.

Any funds appropriated to the Forest Service may be used to meet the non-Federal share requirement in section 502(c) of the Older Americans Act of 1965 (42 U.S.C. 3056(c)(2)).

The Forest Service shall not assess funds for the purpose of performing fire, administrative, and other facilities maintenance and decommissioning.

Funds appropriated to the Forest Service shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Forest Service or its contractors or for the sale of wild horses and burros that results in their destruction for processing into commercial products.

Notwithstanding any other provision of law, of any appropriations or funds available to the Forest Service, not to exceed \$500,000 may be used to reimburse the Office of the General Counsel (OGC), Department of Agriculture, for travel and related expenses incurred as a result of OGC assistance or participation requested by the Forest Service at meetings, training sessions, management reviews, land purchase negotiations and similar matters unrelated to civil litigation. Future budget justifications for both the Forest Service and the Department of Agriculture should clearly display the sums previously transferred and the sums requested for transfer.

An eligible individual who is employed in any project funded under title V of the Older Americans Act of 1965 (42 U.S.C. 3056 et seq.) and administered by the Forest Service shall be considered to be a Federal employee for purposes of chapter 171 of title 28, United States Code.

Notwithstanding any other provision of this Act, through the Office of Budget and Program Analysis, the Forest Service shall report no later than 30 business days following the close of each fiscal quarter all current and prior year unobligated balances, by fiscal year, budget line item and account, to the House and Senate Committees on Appropriations.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, \$4,556,870,000, to remain available until September 30, 2021, except as otherwise provided herein, together with payments received during the fiscal year pursuant to sections 231(b) and 233 of the Public Health Service Act (42 U.S.C. 238(b) and 238b), for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That \$2,000,000 shall be available for grants or contracts with public or private institutions to provide alcohol or drug treatment services to Indians, including alcohol detoxification services: Provided further, That \$969,479,000 for Purchased/Referred Care, including \$53,000,000 for the Indian Catastrophic Health Emergency Fund, shall remain available until expended: Provided further, That of the funds provided, up to \$50,000,000 shall remain available until expended for implementation of the loan repayment program under section 108 of the Indian



Health Care Improvement Act: Provided further, That of the funds provided, \$53,000,000 shall remain available until expended to supplement funds available for operational costs at tribal clinics operated under an Indian Self-Determination and Education Assistance Act compact or contract where health care is delivered in space acquired through a full service lease, which is not eligible for maintenance and improvement and equipment funds from the Indian Health Service, and \$58,000,000 shall be for costs related to or resulting from accreditation emergencies, including supplementing activities funded under the heading "Indian Health Facilities," of which up to \$4,000,000 may be used to supplement amounts otherwise available for Purchased/Referred Care: Provided further, That the amounts collected by the Federal Government as authorized by sections 104 and 108 of the Indian Health Care Improvement Act (25 U.S.C. 1613a and 1616a) during the preceding fiscal year for breach of contracts shall be deposited to the Fund authorized by section 108A of that Act (25 U.S.C. 1616a-1) and shall remain available until expended and, notwithstanding section 108A(c) of that Act (25 U.S.C. 1616a-1(c)), funds shall be available to make new awards under the loan repayment and scholarship programs under sections 104 and 108 of that Act (25 U.S.C. 1613a and 1616a): Provided further, That the amounts made available within this account for the Substance Abuse and Suicide Prevention Program, for Opioid Prevention, Treatment and Recovery Services, for the Domestic Violence Prevention Program, for the Zero Suicide Initiative, for the housing subsidy authority for civilian employees, for Aftercare Pilot Programs at Youth Regional Treatment Centers, for transformation and modernization costs of the Indian Health Service Electronic Health Record system, for national quality and oversight activities, for initiatives to treat or reduce the transmission of Hepatitis-C and HIV-AIDS or both in high priority areas, to improve collections from public and private insurance at Indian Health Service and tribally operated facilities, and for accreditation emergencies shall be allocated at the discretion of the Director of the Indian Health Service and shall remain available until expended: Provided further, That funds provided in this Act may be used for annual contracts and grants that fall within 2 fiscal years, provided the total obligation is recorded in the year the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act, except for those related to the planning, design, or construction of new facilities: Provided further, That funding contained herein for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available until expended: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended: Provided further, That the Bureau of Indian Affairs may collect from the Indian Health Service, and from tribes and tribal organizations operating health facilities pursuant to Public Law 93-638, such individually identifiable health information relating to disabled children as may be necessary for the purpose of carrying out its functions under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.): Provided further, That of the funds provided, \$72,280,000 is for the Indian Health Care Improvement Fund and may be used, as needed, to carry out activities typically funded under the Indian Health Facilities account; Provided further, That none of the funds appropriated by

this Act to the Indian Health Service for the Electronic Health Record system shall be available for obligation or expenditure for the selection or implementation of a new Information Technology infrastructure system, unless the Committees on Appropriations of the House of Representatives and the Senate are consulted 90 days in advance of such obligation.

#### CONTRACT SUPPORT COSTS

For payments to tribes and tribal organizations for contract support costs associated with Indian Self-Determination and Education Assistance Act agreements with the Indian Health Service for fiscal year 2020, such sums as may be necessary: Provided, That notwithstanding any other provision of law, no amounts made available under this heading shall be available for transfer to another budget account.

#### INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, demolition, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act, and the Indian Health Care Improvement Act, and for expenses necessary to carry out such Acts and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, \$964,121,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction, renovation or expansion of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land on which such facilities will be located: Provided further, That not to exceed \$500,000 may be used by the Indian Health Service to purchase TRANSAM equipment from the Department of Defense for distribution to the Indian Health Service and tribal facilities: Provided further, That none of the funds appropriated to the Indian Health Service may be used for sanitation facilities construction for new homes funded with grants by the housing programs of the United States Department of Housing and Urban Development.

#### ADMINISTRATIVE PROVISIONS—INDIAN HEALTH SERVICE

Appropriations provided in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary of Health and Human Services; uniforms or allowances therefor as authorized by 5 U.S.C. 5901-5902; and for expenses of attendance at meetings that relate to the functions or activities of the Indian Health Service: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-2653) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be ad-

ministered under Public Law 86-121, the Indian Sanitation Facilities Act and Public Law 93-638: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used for any assessments or charges by the Department of Health and Human Services unless identified in the budget justification and provided in this Act, or approved by the House and Senate Committees on Appropriations through the reprogramming process: Provided further, That notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant, or agreement authorized by title I or title V of the Indian Self-Determination and Education Assistance Act of 1975 (25 U.S.C. 450 et seq.), may be deobligated and reobligated to a self-determination contract under title I, or a self-governance agreement under title V of such Act and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to the eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That with respect to functions transferred by the Indian Health Service to tribes or tribal organizations, the Indian Health Service is authorized to provide goods and services to those entities on a reimbursable basis, including payments in advance with subsequent adjustment, and the reimbursements received therefrom, along with the funds received from those entities pursuant to the Indian Self-Determination Act, may be credited to the same or subsequent appropriation account from which the funds were originally derived, with such amounts to remain available until expended: Provided further, That reimbursements for training, technical assistance, or services provided by the Indian Health Service will contain total costs, including direct, administrative, and overhead costs associated with the provision of goods, services, or technical assistance: Provided further, That the Indian Health Service may provide to civilian medical personnel serving in hospitals operated by the Indian Health Service housing allowances equivalent to those that would be provided to members of the Commissioned Corps of the United States Public Health Service serving in similar positions at such hospitals: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance notification to the House and Senate Committees on Appropriations.

#### NATIONAL INSTITUTES OF HEALTH

##### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For necessary expenses for the National Institute of Environmental Health Sciences in carrying out activities set forth in section 311(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9660(a)) and section 126(g) of the Superfund Amendments and Reauthorization Act of 1986, \$80,000,000.

##### AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY

##### TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC HEALTH

For necessary expenses for the Agency for Toxic Substances and Disease Registry (ATSDR)



in carrying out activities set forth in sections 104(i) and 111(c)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and section 3019 of the Solid Waste Disposal Act, \$79,691,000: Provided, That notwithstanding any other provision of law, in lieu of performing a health assessment under section 104(i)(6) of CERCLA, the Administrator of ATSDR may conduct other appropriate health studies, evaluations, or activities, including, without limitation, biomedical testing, clinical evaluations, medical monitoring, and referral to accredited healthcare providers: Provided further, That in performing any such health assessment or health study, evaluation, or activity, the Administrator of ATSDR shall not be bound by the deadlines in section 104(i)(6)(A) of CERCLA: Provided further, That none of the funds appropriated under this heading shall be available for ATSDR to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 2020, and existing profiles may be updated as necessary.

#### OTHER RELATED AGENCIES

##### EXECUTIVE OFFICE OF THE PRESIDENT

##### COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Quality Improvement Act of 1970, and Reorganization Plan No. 1 of 1977, and not to exceed \$750 for official reception and representation expenses, \$2,994,000: Provided, That notwithstanding section 202 of the National Environmental Policy Act of 1970, the Council shall consist of one member, appointed by the President, by and with the advice and consent of the Senate, serving as chairman and exercising all powers, functions, and duties of the Council.

##### CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses in carrying out activities pursuant to section 112(r)(6) of the Clean Air Act, including hire of passenger vehicles, uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, and for services authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem equivalent to the maximum rate payable for senior level positions under 5 U.S.C. 5376, \$12,000,000: Provided, That the Chemical Safety and Hazard Investigation Board (Board) shall have not more than three career Senior Executive Service positions: Provided further, That notwithstanding any other provision of law, the individual appointed to the position of Inspector General of the Environmental Protection Agency (EPA) shall, by virtue of such appointment, also hold the position of Inspector General of the Board: Provided further, That notwithstanding any other provision of law, the Inspector General of the Board shall utilize personnel of the Office of Inspector General of EPA in performing the duties of the Inspector General of the Board, and shall not appoint any individuals to positions within the Board.

##### OFFICE OF NAVAJO AND HOPÍ INDIAN RELOCATION

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, \$7,500,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none

of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to section 11 of Public Law 93–531 (88 Stat. 1716).

##### INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by part A of title XV of Public Law 99–498 (20 U.S.C. 4411 et seq.), \$10,850,000, which shall become available on July 1, 2020, and shall remain available until September 30, 2021.

##### SMITHSONIAN INSTITUTION SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease agreements of no more than 30 years, and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; and purchase, rental, repair, and cleaning of uniforms for employees, \$852,345,000, to remain available until September 30, 2021, except as otherwise provided herein; of which not to exceed \$6,908,000 for the instrumentation program, collections acquisition, exhibition reinstallation, and the repatriation of skeletal remains program shall remain available until expended; and including such funds as may be necessary to support American overseas research centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

##### FACILITIES CAPITAL

For necessary expenses of repair, revitalization, and alteration of facilities owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), and for construction, including necessary personnel, \$219,000,000, to remain available until expended, of which not to exceed \$10,000 shall be for services as authorized by 5 U.S.C. 3109.

##### NATIONAL GALLERY OF ART SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or

rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$147,022,000, to remain available until September 30, 2021, of which not to exceed \$3,660,000 for the special exhibition program shall remain available until expended.

##### REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, for operating lease agreements of no more than 10 years, with no extensions or renewals beyond the 10 years, that address space needs created by the ongoing renovations in the Master Facilities Plan, as authorized, \$34,603,000, to remain available until expended: Provided, That of this amount, \$1,000,000 shall be available for design of an off-site art storage facility in partnership with the Smithsonian Institution: Provided further, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

##### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

##### OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, \$25,690,000.

##### CAPITAL REPAIR AND RESTORATION

For necessary expenses for capital repair and restoration of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, \$17,800,000, to remain available until expended.

##### WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

##### SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$14,000,000, to remain available until September 30, 2021.

##### NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

##### NATIONAL ENDOWMENT FOR THE ARTS

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$167,500,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts, including arts education and public outreach activities, through assistance to organizations and individuals pursuant to section 5 of the Act, for program support, and for administering the functions of the Act, to remain available until expended.

##### NATIONAL ENDOWMENT FOR THE HUMANITIES

##### GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, \$167,500,000 to remain available until expended, of which \$152,500,000 shall be available for support of activities in the humanities, pursuant to section 7(c) of the Act and for administering the functions of the Act; and \$15,000,000 shall be available to carry out the matching grants program pursuant to section 10(a)(2) of the Act, including \$13,000,000 for the

purposes of section 7(h): Provided, That appropriations for carrying out section 10(a)(2) shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, devises of money, and other property accepted by the chairman or by grantees of the National Endowment for the Humanities under the provisions of sections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

#### ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses: Provided further, That funds from nonappropriated sources may be used as necessary for official reception and representation expenses: Provided further, That the Chairperson of the National Endowment for the Arts may approve grants of up to \$10,000, if in the aggregate the amount of such grants does not exceed 5 percent of the sums appropriated for grantmaking purposes per year: Provided further, That such small grant actions are taken pursuant to the terms of an expressed and direct delegation of authority from the National Council on the Arts to the Chairperson.

#### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

For expenses of the Commission of Fine Arts under chapter 91 of title 40, United States Code, \$3,282,000: Provided, That the Commission is authorized to charge fees to cover the full costs of its publications, and such fees shall be credited to this account as an offsetting collection, to remain available until expended without further appropriation: Provided further, That the Commission is authorized to accept gifts, including objects, papers, artwork, drawings and artifacts, that pertain to the history and design of the Nation's Capital or the history and activities of the Commission of Fine Arts, for the purpose of artistic display, study, or education: Provided further, That one-tenth of one percent of the funds provided under this heading may be used for official reception and representation expenses.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (20 U.S.C. 956a), \$5,000,000.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For necessary expenses of the Advisory Council on Historic Preservation (Public Law 89-665), \$7,388,000.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the National Capital Planning Commission under chapter 87 of title 40, United States Code, including services as authorized by 5 U.S.C. 3109, \$8,124,000: Provided, That one-quarter of 1 percent of the funds provided under this heading may be used for official reception and representation expenses associated with hosting international visitors engaged in the planning and physical development of world capitals.

#### UNITED STATES HOLOCAUST MEMORIAL MUSEUM

##### HOLOCAUST MEMORIAL MUSEUM

For expenses of the Holocaust Memorial Museum, as authorized by Public Law 106-292 (36 U.S.C. 2301-2310), \$61,388,000, of which \$715,000 shall remain available until September 30, 2022, for the Museum's equipment replacement program; and of which \$3,000,000 for the Museum's repair and rehabilitation program and \$1,264,000 for the Museum's outreach initiatives program shall remain available until expended.

#### DWIGHT D. EISENHOWER MEMORIAL COMMISSION SALARIES AND EXPENSES

For necessary expenses of the Dwight D. Eisenhower Memorial Commission, \$1,800,000, to remain available until expended.

#### WORLD WAR I CENTENNIAL COMMISSION

##### SALARIES AND EXPENSES

Notwithstanding section 9 of the World War I Centennial Commission Act, as authorized by the World War I Centennial Commission Act (Public Law 112-272) and the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291), for necessary expenses of the World War I Centennial Commission, \$6,000,000, to remain available until September 30, 2021: Provided, That in addition to the authority provided by section 6(g) of such Act, the World War I Commission may accept money, in-kind personnel services, contractual support, or any appropriate support from any executive branch agency for activities of the Commission.

#### TITLE IV

#### GENERAL PROVISIONS

##### RESTRICTION ON USE OF FUNDS

SEC. 401. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which Congressional action is not complete other than to communicate to Members of Congress as described in 18 U.S.C. 1913.

##### OBLIGATION OF APPROPRIATIONS

SEC. 402. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

##### DISCLOSURE OF ADMINISTRATIVE EXPENSES

SEC. 403. The amount and basis of estimated overhead charges, deductions, reserves or holdbacks, including working capital fund and cost pool charges, from programs, projects, activities and subactivities to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations shall be presented in annual budget justifications and subject to approval by the Committees on Appropriations of the House of Representatives and the Senate. Changes to such estimates shall be presented to the Committees on Appropriations for approval.

##### MINING APPLICATIONS

SEC. 404. (a) LIMITATION OF FUNDS.—None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) EXCEPTIONS.—Subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned (1) a patent application was filed with the Secretary on or before September 30, 1994; and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims, sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) REPORT.—On September 30, 2021, the Secretary of the Interior shall file with the House and Senate Committees on Appropriations and the Committee on Natural Resources of the House and the Committee on Energy and Natural Resources of the Senate a report on actions taken by the Department under the plan submitted pursuant to section 314(c) of the Department of the Interior and Related Agencies Appropriations Act, 1997 (Public Law 104-208).

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and re-

sponsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Director of the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

##### CONTRACT SUPPORT COSTS, PRIOR YEAR

##### LIMITATION

SEC. 405. Sections 405 and 406 of division F of the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235) shall continue in effect in fiscal year 2020.

##### CONTRACT SUPPORT COSTS, FISCAL YEAR 2020

##### LIMITATION

SEC. 406. Amounts provided by this Act for fiscal year 2020 under the headings "Department of Health and Human Services, Indian Health Service, Contract Support Costs" and "Department of the Interior, Bureau of Indian Affairs and Bureau of Indian Education, Contract Support Costs" are the only amounts available for contract support costs arising out of self-determination or self-governance contracts, grants, compacts, or annual funding agreements for fiscal year 2020 with the Bureau of Indian Affairs, Bureau of Indian Education, and the Indian Health Service: Provided, That such amounts provided by this Act are not available for payment of claims for contract support costs for prior years, or for repayments of payments for settlements or judgments awarding contract support costs for prior years.

##### FOREST MANAGEMENT PLANS

SEC. 407. The Secretary of Agriculture shall not be considered to be in violation of subparagraph 6(f)(5)(A) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604(f)(5)(A)) solely because more than 15 years have passed without revision of the plan for a unit of the National Forest System. Nothing in this section exempts the Secretary from any other requirement of the Forest and Rangeland Renewable Resources Planning Act (16 U.S.C. 1600 et seq.) or any other law: Provided, That if the Secretary is not acting expeditiously and in good faith, within the funding available, to revise a plan for a unit of the National Forest System, this section shall be void with respect to such plan and a court of proper jurisdiction may order completion of the plan on an accelerated basis.

##### PROHIBITION WITHIN NATIONAL MONUMENTS

SEC. 408. No funds provided in this Act may be expended to conduct preleasing, leasing and related activities under either the Mineral Leasing Act (30 U.S.C. 181 et seq.) or the Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) within the boundaries of a National Monument established pursuant to the Act of June 8, 1906 (16 U.S.C. 431 et seq.) as such boundary existed on January 20, 2001, except where such activities are allowed under the Presidential proclamation establishing such monument.

##### LIMITATION ON TAKINGS

SEC. 409. Unless otherwise provided herein, no funds appropriated in this Act for the acquisition of lands or interests in lands may be expended for the filing of declarations of taking or complaints in condemnation without the approval of the House and Senate Committees on Appropriations: Provided, That this provision shall not apply to funds appropriated to implement the Everglades National Park Protection and Expansion Act of 1989, or to funds appropriated for Federal assistance to the State of Florida to acquire lands for Everglades restoration purposes.

## PROHIBITION ON NO-BID CONTRACTS

SEC. 410. None of the funds appropriated or otherwise made available by this Act to executive branch agencies may be used to enter into any Federal contract unless such contract is entered into in accordance with the requirements of Chapter 33 of title 41, United States Code, or Chapter 137 of title 10, United States Code, and the Federal Acquisition Regulation, unless—

(1) Federal law specifically authorizes a contract to be entered into without regard for these requirements, including formula grants for States, or federally recognized Indian tribes;

(2) such contract is authorized by the Indian Self-Determination and Education Assistance Act (Public Law 93-638, 25 U.S.C. 450 et seq.) or by any other Federal laws that specifically authorize a contract within an Indian tribe as defined in section 4(e) of that Act (25 U.S.C. 450b(e)); or

(3) such contract was awarded prior to the date of enactment of this Act.

## POSTING OF REPORTS

SEC. 411. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

(1) the public posting of the report compromises national security; or

(2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

## NATIONAL ENDOWMENT FOR THE ARTS GRANT GUIDELINES

SEC. 412. Of the funds provided to the National Endowment for the Arts—

(1) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(2) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or local arts agency, or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(3) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs or projects.

## NATIONAL ENDOWMENT FOR THE ARTS PROGRAM PRIORITIES

SEC. 413. (a) In providing services or awarding financial assistance under the National Foundation on the Arts and the Humanities Act of 1965 from funds appropriated under this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that serve underserved populations.

(b) In this section:

(1) The term “underserved population” means a population of individuals, including urban minorities, who have historically been outside the purview of arts and humanities programs due to factors such as a high incidence of income below the poverty line or to geographic isolation.

(2) The term “poverty line” means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to a family of the size involved.

(c) In providing services and awarding financial assistance under the National Foundation on the Arts and Humanities Act of 1965 with funds appropriated by this Act, the Chairperson of the National Endowment for the Arts shall ensure that priority is given to providing services or awarding financial assistance for projects, productions, workshops, or programs that will encourage public knowledge, education, understanding, and appreciation of the arts.

(d) With funds appropriated by this Act to carry out section 5 of the National Foundation on the Arts and Humanities Act of 1965—

(1) the Chairperson shall establish a grant category for projects, productions, workshops, or programs that are of national impact or availability or are able to tour several States;

(2) the Chairperson shall not make grants exceeding 15 percent, in the aggregate, of such funds to any single State, excluding grants made under the authority of paragraph (1);

(3) the Chairperson shall report to the Congress annually and by State, on grants awarded by the Chairperson in each grant category under section 5 of such Act; and

(4) the Chairperson shall encourage the use of grants to improve and support community-based music performance and education.

## STATUS OF BALANCES OF APPROPRIATIONS

SEC. 414. The Department of the Interior, the Environmental Protection Agency, the Forest Service, and the Indian Health Service shall provide the Committees on Appropriations of the House of Representatives and Senate quarterly reports on the status of balances of appropriations including all uncommitted, committed, and unobligated funds in each program and activity.

## CONTRACTING AUTHORITIES

SEC. 415. Section 412 of Division E of Public Law 112-74 is amended by striking “fiscal year 2020” and inserting “fiscal year 2021”.

## EXTENSION OF GRAZING PERMITS

SEC. 416. The terms and conditions of section 325 of Public Law 108-108 (117 Stat. 1307), regarding grazing permits issued by the Forest Service on any lands not subject to administration under section 402 of the Federal Lands Policy and Management Act (43 U.S.C. 1752), shall remain in effect for fiscal year 2020.

## FUNDING PROHIBITION

SEC. 417. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network is designed to block access to pornography websites.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

## FOREST SERVICE FACILITY REALIGNMENT AND ENHANCEMENT ACT

SEC. 418. Section 503(f) of the Forest Service Facility Realignment and Enhancement Act of 2005 (16 U.S.C. 580d note; Public Law 109-54) is amended by striking “2019” and inserting “2020”.

## USE OF AMERICAN IRON AND STEEL

SEC. 419. (a)(1) None of the funds made available by a State water pollution control revolving fund as authorized by section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) shall be used for a project for the construction, alteration, maintenance, or repair of a public water system or treatment works unless all of the iron and steel products used in the project are produced in the United States.

(2) In this section, the term “iron and steel” products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials.

(b) Subsection (a) shall not apply in any case or category of cases in which the Administrator of the Environmental Protection Agency (in this section referred to as the “Administrator”) finds that—

(1) applying subsection (a) would be inconsistent with the public interest;

(2) iron and steel products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

(3) inclusion of iron and steel products produced in the United States will increase the cost of the overall project by more than 25 percent.

(c) If the Administrator receives a request for a waiver under this section, the Administrator shall make available to the public on an informal basis a copy of the request and information available to the Administrator concerning the request, and shall allow for informal public input on the request for at least 15 days prior to making a finding based on the request. The Administrator shall make the request and accompanying information available by electronic means, including on the official public Internet Web site of the Environmental Protection Agency.

(d) This section shall be applied in a manner consistent with United States obligations under international agreements.

(e) The Administrator may retain up to 0.25 percent of the funds appropriated in this Act for the Clean and Drinking Water State Revolving Funds for carrying out the provisions described in subsection (a)(1) for management and oversight of the requirements of this section.

## JOHN F. KENNEDY CENTER REAUTHORIZATION

SEC. 420. Section 13 of the John F. Kennedy Center Act (20 U.S.C. 76r) is amended by striking subsections (a) and (b) and inserting the following:

“(a) MAINTENANCE, REPAIR, AND SECURITY.—There is authorized to be appropriated to the Board to carry out section 4(a)(1)(H), \$25,690,000 for fiscal year 2020.

“(b) CAPITAL PROJECTS.—There is authorized to be appropriated to the Board to carry out subparagraphs (F) and (G) of section 4(a)(1), \$17,800,000 for fiscal year 2020.”.

## LOCAL COOPERATOR TRAINING AGREEMENTS AND TRANSFERS OF EXCESS EQUIPMENT AND SUPPLIES FOR WILDFIRES

SEC. 421. The Secretary of the Interior is authorized to enter into grants and cooperative agreements with volunteer fire departments, rural fire departments, rangeland fire protection associations, and similar organizations to provide for wildland fire training and equipment, including supplies and communication devices. Notwithstanding 121(c) of title 40, United States Code, or section 521 of title 40, United States Code, the Secretary is further authorized to transfer title to excess Department of the Interior firefighting equipment no longer needed to carry out the functions of the Department's wildland fire management program to such organizations.

## RECREATION FEES

SEC. 422. Section 810 of the Federal Lands Recreation Enhancement Act (16 U.S.C. 6809) is amended by striking “September 30, 2019” and inserting “September 30, 2021”.

## REPROGRAMMING PROCEDURES, DISCLOSURE OF ADMINISTRATIVE EXPENSES, AND OPERATING PLANS

SEC. 423. (a) DEFINITIONS.—For the purposes of this section:

(1) “Reprogramming” includes:

(A) The reallocation of funds from one program, project, or activity, to another within any appropriation funded in this Act.

(B) For construction, land acquisition, and forest legacy accounts, the reallocation of funds, including unobligated balances, from one construction, land acquisition, or forest legacy project to another such project.

(C) An operating plan or any later modification thereof submitted under subsection (i) of this section.

(D) Proposed reorganizations even without a change in funding, including any change to the organization table presented in the budget justification.

(2) "Program", "project", and "activity" constitute the delineation below the appropriation account level of any agency funded by this Act, as shown in any table of the report accompanying this Act.

(3) "Funds" includes funds provided in this Act or previous appropriations Acts that are available for obligation in the current fiscal year and any amounts available for obligation in the current fiscal year derived from collections, fees or charges.

(4) "Assessment" is any overhead charge, deduction, reserve or holdback, including working capital fund and cost pool charges, from any program, project, and activity to support government-wide, departmental, agency, or bureau administrative functions or headquarters, regional, or central operations or to provide for contingencies.

(b) GENERAL GUIDELINES FOR REPROGRAMMING.—

(1) A reprogramming should be made only when an unforeseen situation arises, and then only if postponement of the project or the activity until the next appropriation year would result in actual loss or damage.

(2) Any project or activity, which may be deferred through reprogramming, shall not later be accomplished by means of further reprogramming, but instead, funds should again be sought for the deferred project or activity through the regular appropriations process.

(3) Except under the most urgent situations, reprogramming should not be employed to initiate new programs or increase allocations specifically denied or limited by the Congress, or to decrease allocations specifically increased by the Congress.

(4) New programs requested in the budget should not be initiated before enactment of the bill without notification to, and the approval of, the Committees on Appropriations of the House of Representatives and the Senate (hereinafter "the Committees"). This restriction applies to all such actions regardless of whether a formal reprogramming of funds is required to begin the program.

(c) CRITERIA.—

(1) A reprogramming shall be submitted to the Committees in writing 30 days prior to implementation if—

(A) it exceeds \$1,000,000 individually or cumulatively or results in a cumulative increase or decrease of more than 10 percent of funds annually in any affected program, project, or activity;

(B) it is a reorganization; or

(C) it is an operating plan or any later modification thereof as submitted under subsection (i) of this section: Provided, That such plan or modification thereof also meets any of the other criteria under subsection (c)(1) of this section.

(2) No funds shall be available for obligation or expenditure through a reprogramming until 30 days after the receipt by the Committees of a notice of proposed reprogramming.

(3) A reprogramming shall be considered approved 30 days after receipt if the Committees have posed no objection. However, agencies shall not implement the reprogramming and shall extend the notification period if specifically requested by either Committee.

(d) EXCEPTIONS.—

(1) With regard to the tribal priority allocations of the Bureau of Indian Affairs, there is no restriction on reprogrammings among these programs. However, the Bureau shall report on all reprogrammings made during a given fiscal year no later than 60 days after the end of the fiscal year.

(2) With regard to the Environmental Protection Agency, State and Tribal Assistance Grants

account, the Committees do not require reprogramming requests associated with States and Tribal Partnership Grants.

(3) With regard to funding for Park Management subactivities within the National Park Service Operations of the National Park System account, reprogramming guidelines apply at the activity level, not the more detailed level as shown in the Committee report. The National Park Service shall report on actual spending at the more detailed level no later than 60 days after the end of the fiscal year and show its impact on the succeeding year budget at the more detailed level in the budget justification submitted to the Congress in the subsequent fiscal year for the purpose of updating the Committee support table.

(e) ASSESSMENTS.—

(1) No assessment shall be levied or collected unless such assessment and the basis therefor are presented to the Committees in the budget justifications and are subsequently approved by the Committees. The explanation for any assessment in the budget justification shall show the amount of the assessment, the activities assessed, and the purpose of the funds.

(2) Proposed changes to estimated assessments, as such estimates were presented in annual budget justifications, shall be submitted through the reprogramming process set out in this section and shall be subject to the same dollar and reporting criteria as any other reprogramming.

(3) Each department, agency or bureau that utilizes assessments shall submit an annual report to the Committees which provides details on the use of all funds assessed from any other program, project, or activity.

(4) In no case shall contingency funds or assessments be used to finance agency actions disapproved or limited by the Congress.

(f) LAND ACQUISITIONS, EASEMENTS, AND FOREST LEGACY.—Lands shall not be acquired for more than the approved appraised value (as addressed in section 301(3) of Public Law 91-646), unless such acquisitions are submitted to the Committees for approval in compliance with these procedures.

(g) LAND EXCHANGES.—Land exchanges, wherein the estimated value of the Federal lands to be exchanged is greater than \$1,000,000, shall not be consummated until the Committees have had a 30-day period in which to examine the proposed exchange. In addition, the Committees shall be provided advance notification of exchanges valued between \$500,000 and \$1,000,000.

(h) BUDGET STRUCTURE.—The program, project, and activity structure for any agency appropriation account shall not be altered without advance approval of the Committees.

(i) OPERATING PLANS.—Not later than 60 days after the date of enactment of this Act, each department or agency funded by this Act shall submit an operating plan to the Committees to establish the baseline for application of reprogramming for the current fiscal year. The operating plan shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by the Congress, enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by program, project, and activity for the respective appropriation; and

(3) an identification of items of special congressional interest.

#### PROJECT INFORMATION

SEC. 424. (a) Not later than April 1, 2020, and each April 1 thereafter, the Secretary of the Interior and the Secretary of Agriculture shall submit to the Committees on Appropriations of the House of Representatives and the Senate prioritized and detailed lists of federal land acquisition projects, and Forest Legacy projects, which could be executed within the three fiscal

years beginning with the fiscal year after the date upon which the lists are submitted.

(b) The federal land acquisition project lists required by subsection (a) shall include projects for the National Park Service, the U.S. Fish and Wildlife Service, the Bureau of Land Management, and the U.S. Forest Service, including recreational public access projects as required by 54 U.S.C. 200306, and shall total for each agency no less than 150 percent of the amount enacted for that agency for the previous fiscal year.

SEC. 425. Except as expressly provided otherwise, any reference to "this Act" contained in this division shall be treated as referring only to the provisions of this division.

SEC. 426. Any reference to a "report accompanying this Act" contained in this division shall be treated as a reference to House Report 116-100. The effect of such Report shall be limited to this division and shall apply for purposes of determining the allocation of funds provided by, and the implementation of, this division.

This Act may be cited as the "Department of the Interior, Environment, and Related Agencies Appropriations Act, 2020".

#### **DIVISION D—MILITARY CONSTRUCTION, VETERANS AFFAIRS, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, namely: That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, and for other purposes, namely:

#### **TITLE I**

#### **DEPARTMENT OF DEFENSE MILITARY CONSTRUCTION, ARMY**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, \$1,132,499,000, to remain available until September 30, 2024: Provided, That, of this amount, not to exceed \$136,099,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of the Army determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

#### **MILITARY CONSTRUCTION, NAVY AND MARINE CORPS**

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy and Marine Corps as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, \$2,205,771,000, to remain available until September 30, 2024: Provided, That, of this amount, not to exceed \$178,715,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

#### **MILITARY CONSTRUCTION, AIR FORCE**

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and

real property for the Air Force as currently authorized by law, \$1,588,730,000, to remain available until September 30, 2024: Provided, That, of this amount, not to exceed \$153,148,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Air Force determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, DEFENSE-WIDE**  
(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, \$2,025,799,000, to remain available until September 30, 2024: Provided, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as the Secretary may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: Provided further, That, of the amount, not to exceed \$252,355,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, ARMY NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$210,819,000, to remain available until September 30, 2024: Provided, That, of the amount, not to exceed \$20,469,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Army National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR NATIONAL GUARD**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$115,971,000, to remain available until September 30, 2024: Provided, That, of the amount, not to exceed \$17,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Director of the Air National Guard determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, ARMY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$60,928,000, to remain available until September 30, 2024: Provided, That, of the amount, not to exceed \$6,000,000 shall be available for study, planning, design, and architect and engineer services, as authorized by

law, unless the Chief of the Army Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, NAVY RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$54,955,000, to remain available until September 30, 2024: Provided, That, of the amount, not to exceed \$4,780,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Secretary of the Navy determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**MILITARY CONSTRUCTION, AIR FORCE RESERVE**

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, \$59,750,000, to remain available until September 30, 2024: Provided, That, of the amount, not to exceed \$4,604,000 shall be available for study, planning, design, and architect and engineer services, as authorized by law, unless the Chief of the Air Force Reserve determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of the determination and the reasons therefor.

**NORTH ATLANTIC TREATY ORGANIZATION**

**SECURITY INVESTMENT PROGRAM**

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized by section 2806 of title 10, United States Code, and Military Construction Authorization Acts, \$172,005,000, to remain available until expended.

**DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT**

For deposit into the Department of Defense Base Closure Account, established by section 2906(a) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), \$398,526,000, to remain available until expended.

**FAMILY HOUSING CONSTRUCTION, ARMY**

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$141,372,000, to remain available until September 30, 2024.

**FAMILY HOUSING OPERATION AND MAINTENANCE, ARMY**

For expenses of family housing for the Army for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$407,907,000.

**FAMILY HOUSING CONSTRUCTION, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$47,661,000, to remain available until September 30, 2024.

**FAMILY HOUSING OPERATION AND MAINTENANCE, NAVY AND MARINE CORPS**

For expenses of family housing for the Navy and Marine Corps for operation and maintenance,

including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$377,470,000.

**FAMILY HOUSING CONSTRUCTION, AIR FORCE**

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension, and alteration, as authorized by law, \$103,631,000, to remain available until September 30, 2024.

**FAMILY HOUSING OPERATION AND MAINTENANCE, AIR FORCE**

For expenses of family housing for the Air Force for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, \$326,216,000.

**FAMILY HOUSING OPERATION AND MAINTENANCE, DEFENSE-WIDE**

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for operation and maintenance, leasing, and minor construction, as authorized by law, \$57,000,000.

**DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND**

For the Department of Defense Family Housing Improvement Fund, \$3,045,000, to remain available until expended, for family housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military family housing and supporting facilities.

**MILITARY UNACCOMPANIED HOUSING IMPROVEMENT FUND**

For the Department of Defense Military Unaccompanied Housing Improvement Fund, \$500,000, to remain available until expended, for unaccompanied housing initiatives undertaken pursuant to section 2883 of title 10, United States Code, providing alternative means of acquiring and improving military unaccompanied housing and supporting facilities.

**ADMINISTRATIVE PROVISIONS**

SEC. 101. None of the funds made available in this title shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed \$25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds made available in this title for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds made available in this title for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds made available in this title may be used to begin construction of new bases in the United States for which specific appropriations have not been made.

SEC. 105. None of the funds made available in this title shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or the designee of the Attorney General; (3) where the estimated value is less than \$25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds made available in this title shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for

which funds have been made available in annual Acts making appropriations for military construction.

SEC. 107. None of the funds made available in this title for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 108. None of the funds made available in this title may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds made available in this title may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations of both Houses of Congress.

SEC. 111. None of the funds made available in this title may be obligated for architect and engineer contracts estimated by the Government to exceed \$500,000 for projects to be accomplished in Japan, in any North Atlantic Treaty Organization member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds made available in this title for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed \$1,000,000 to a foreign contractor: Provided, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: Provided further, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense shall inform the appropriate committees of both Houses of Congress, including the Committees on Appropriations, of plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed \$100,000.

SEC. 114. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 115. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 116. Notwithstanding any other provision of law, any funds made available to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were made available, if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 117. Subject to 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, such additional amounts as may be determined by the Secretary of Defense may be transferred to: (1) the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund; or (2) the Department of Defense Military Unaccompanied Housing Improvement Fund from amounts appropriated for construction of military unaccompanied housing in "Military Construction" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: Provided, That appropriations made available to the Funds shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169 of title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing, military unaccompanied housing, and supporting facilities.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 118. In addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the Department of Defense Base Closure Account to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program incurred under 42 U.S.C. 3374(a)(1)(A). Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 119. Notwithstanding any other provision of law, funds made available in this title for operation and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including general or flag officer quarters: Provided, That not more than \$15,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days prior notification, or 14 days for a notification provided in an electronic medium pursuant to sections 480 and 2883 of title 10, United States Code, to the Committees on Appropriations of both Houses of Congress, except that an after-the-fact notification shall be submitted if the limitation is exceeded solely due to costs associated with environmental remediation that could not be reasonably anticipated at the time of the budget submission.

SEC. 120. Amounts contained in the Ford Island Improvement Account established by subsection (h) of section 2814 of title 10, United States Code, are appropriated and shall be available until expended for the purposes specified in subsection (i)(1) of such section or until transferred pursuant to subsection (i)(3) of such section.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 121. During the 5-year period after appropriations available in this Act to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "For-

eign Currency Fluctuations, Construction, Defense", to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

#### (INCLUDING TRANSFER OF FUNDS)

SEC. 122. Amounts appropriated or otherwise made available in an account funded under the headings in this title may be transferred among projects and activities within the account in accordance with the reprogramming guidelines for military construction and family housing construction contained in Department of Defense Financial Management Regulation 7000.14-R, Volume 3, Chapter 7, of March 2011, as in effect on the date of enactment of this Act.

SEC. 123. None of the funds made available in this title may be obligated or expended for planning and design and construction of projects at Arlington National Cemetery.

SEC. 124. For an additional amount for the accounts and in the amounts specified, to remain available until September 30, 2024:

"Military Construction, Army", \$79,500,000;  
 "Military Construction, Navy and Marine Corps", \$546,800,000;  
 "Military Construction, Air Force", \$230,400,000;  
 "Military Construction, Army National Guard", \$155,000,000;  
 "Military Construction, Air National Guard", \$57,000,000; and  
 "Military Construction, Air Force Reserve", \$24,800,000:

Provided, That such funds may only be obligated to carry out construction projects identified in the respective military department's unfunded priority list for fiscal year 2020 submitted to Congress: Provided further, That such projects are subject to authorization prior to obligation and expenditure of funds to carry out construction: Provided further, That not later than 30 days after enactment of this Act, the Secretary of the military department concerned, or his or her designee, shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for funds provided under this section.

#### (RESCISSION OF FUNDS)

SEC. 125. Of the unobligated balances available to the Department of Defense from prior appropriation Acts, the following funds are hereby rescinded from the following accounts in the amounts specified:

"Military Construction, Defense-Wide", \$45,055,000.

SEC. 126. For the purposes of this Act, the term "congressional defense committees" means the Committees on Armed Services of the House of Representatives and the Senate, the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the Senate, and the Subcommittee on Military Construction and Veterans Affairs of the Committee on Appropriations of the House of Representatives.

SEC. 127. All amounts appropriated to the "Department of Defense—Military Construction, Army", "Department of Defense—Military Construction, Navy and Marine Corps", "Department of Defense—Military Construction, Air Force", and "Department of Defense—Military Construction, Defense-Wide" accounts pursuant to the authorization of appropriations in a National Defense Authorization Act specified for fiscal year 2020 in the funding table in section 4601 of that Act shall be immediately available and allotted to contract for the full scope of authorized projects.

#### TITLE II

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS BENEFITS ADMINISTRATION

##### COMPENSATION AND PENSIONS

##### (INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans and a pilot program for



disability examinations as authorized by section 107 and chapters 11, 13, 18, 51, 53, 55, and 61 of title 38, United States Code; pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of title 38, United States Code; and burial benefits, the Reinstated Entitlement Program for Survivors, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of title IV of the Servicemembers Civil Relief Act (50 U.S.C. App. 541 *et seq.*) and for other benefits as authorized by sections 107, 1312, 1977, and 2106, and chapters 23, 51, 53, 55, and 61 of title 38, United States Code, \$116,801,316,000, shall become available on October 1, 2020: Provided, That not to exceed \$18,147,000 of the amount made available for fiscal year 2021 under this heading shall be reimbursed to "General Operating Expenses, Veterans Benefits Administration", and "Information Technology Systems" for necessary expenses in implementing the provisions of chapters 51, 53, and 55 of title 38, United States Code, the funding source for which is specifically provided as the "Compensation and Pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical Care Collections Fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized.

#### READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by chapters 21, 30, 31, 33, 34, 35, 36, 39, 41, 51, 53, 55, and 61 of title 38, United States Code, \$12,578,965,000, to remain available until expended and to become available on October 1, 2020: Provided, That expenses for rehabilitation program services and assistance which the Secretary is authorized to provide under subsection (a) of section 3104 of title 38, United States Code, other than under paragraphs (1), (2), (5), and (11) of that subsection, shall be charged to this account.

#### VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by chapters 19 and 21, title 38, United States Code, \$17,620,000, to remain available until expended, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2019; and in addition, \$129,224,000, to remain available until expended, which shall become available on October 1, 2020.

#### VETERANS HOUSING BENEFIT PROGRAM FUND

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the program, as authorized by subchapters I through III of chapter 37 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That, during fiscal year 2020, within the resources available, not to exceed \$500,000 in gross obligations for direct loans are authorized for specially adapted housing loans.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, \$200,377,391.

#### VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, \$57,729, as authorized by chapter 31 of title 38, United States Code: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That funds made available under this heading are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$2,008,232.

In addition, for administrative expenses necessary to carry out the direct loan program, \$401,880, which may be paid to the appropriation for "General Operating Expenses, Veterans Benefits Administration".

#### NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

For administrative expenses to carry out the direct loan program authorized by subchapter V of chapter 37 of title 38, United States Code, \$1,186,000.

#### GENERAL OPERATING EXPENSES, VETERANS BENEFITS ADMINISTRATION

For necessary operating expenses of the Veterans Benefits Administration, not otherwise provided for, including hire of passenger motor vehicles, reimbursement of the General Services Administration for security guard services, and reimbursement of the Department of Defense for the cost of overseas employee mail, \$3,025,000,000: Provided, That expenses for services and assistance authorized under paragraphs (1), (2), (5), and (11) of section 3104(a) of title 38, United States Code, that the Secretary of Veterans Affairs determines are necessary to enable entitled veterans: (1) to the maximum extent feasible, to become employable and to obtain and maintain suitable employment; or (2) to achieve maximum independence in daily living, shall be charged to this account: Provided further, That, of the funds made available under this heading, not to exceed 10 percent shall remain available until September 30, 2021.

#### VETERANS HEALTH ADMINISTRATION MEDICAL SERVICES

For necessary expenses for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs and veterans described in section 1705(a) of title 38, United States Code, including care and treatment in facilities not under the jurisdiction of the Department, and including medical supplies and equipment, bio-engineering services, food services, and salaries and expenses of healthcare employees hired under title 38, United States Code, aid to State homes as authorized by section 1741 of title 38, United States Code, assistance and support services for caregivers as authorized by section 1720G of title 38, United States Code, loan repayments authorized by section 604 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (Public Law 111-163; 124 Stat. 1174; 38 U.S.C. 7681 note), monthly assistance allowances authorized by section 322(d) of title 38, United States Code, grants authorized by section 521A of title 38, United States Code, and administrative expenses necessary to carry out sections 322(d) and 521A of title 38, United States Code, and hospital care and medical services authorized by section 1787 of title 38, United States Code, \$169,160,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2019; and, in addition, \$56,158,015,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: Provided, That, of the amount made available on October 1, 2020, under this heading, \$1,500,000,000 shall remain available until September 30, 2022: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall establish a priority for the provision of medical treatment for veterans who have service-connected disabilities, lower income, or have special needs: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs shall give priority funding for the provision of basic medical benefits to veterans in enrollment priority groups 1 through 6: Provided further, That, notwithstanding any other provision of law, the Secretary of Veterans Affairs may authorize the dispensing of prescription drugs from Veterans Health Administration facilities to enrolled veterans with privately writ-

ten prescriptions based on requirements established by the Secretary: Provided further, That the implementation of the program described in the previous proviso shall incur no additional cost to the Department of Veterans Affairs: Provided further, That the Secretary of Veterans Affairs shall ensure that sufficient amounts appropriated under this heading for medical supplies and equipment are available for the acquisition of prosthetics designed specifically for female veterans: Provided further, That of the amount made available on October 1, 2019, under this heading, not less than \$581,514,000 shall be for gender-specific care for women as described in the report accompanying this Act.

#### MEDICAL COMMUNITY CARE

For necessary expenses for furnishing health care to individuals pursuant to chapter 17 of title 38, United States Code, at non-Department facilities, \$4,521,400,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2019; and, in addition, \$17,131,179,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: Provided, That, of the amount made available on October 1, 2020, under this heading, \$2,000,000,000 shall remain available until September 30, 2022.

#### MEDICAL SUPPORT AND COMPLIANCE

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of capital policy activities; and administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of title 38, United States Code, and the Federal Medical Care Recovery Act (42 U.S.C. 2651 *et seq.*), \$98,800,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2019; and, in addition, \$7,914,191,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: Provided, That, of the amount made available on October 1, 2020, under this heading, \$150,000,000 shall remain available until September 30, 2022.

#### MEDICAL FACILITIES

For necessary expenses for the maintenance and operation of hospitals, nursing homes, domiciliary facilities, and other necessary facilities of the Veterans Health Administration; for administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department; for oversight, engineering, and architectural activities not charged to project costs; for repairing, altering, improving, or providing facilities in the several hospitals and homes under the jurisdiction of the Department, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; for leases of facilities; and for laundry services; \$20,000,000, which shall be in addition to funds previously appropriated under this heading that become available on October 1, 2019; and, in addition, \$6,433,265,000, plus reimbursements, shall become available on October 1, 2020, and shall remain available until September 30, 2021: Provided, That, of the amount made available on October 1, 2020, under this heading, \$250,000,000 shall remain available until September 30, 2022.

#### MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by chapter 73 of title 38, United States Code, \$840,000,000, plus reimbursements, shall remain available until September 30, 2021.

## NATIONAL CEMETERY ADMINISTRATION

For necessary expenses of the National Cemetery Administration for operations and maintenance, not otherwise provided for, including uniforms or allowances therefor; cemeterial expenses as authorized by law; purchase of one passenger motor vehicle for use in cemeterial operations; hire of passenger motor vehicles; and repair, alteration or improvement of facilities under the jurisdiction of the National Cemetery Administration, \$329,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

## DEPARTMENTAL ADMINISTRATION

## GENERAL ADMINISTRATION

## (INCLUDING TRANSFER OF FUNDS)

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including administrative expenses in support of Department-wide capital planning, management and policy activities, uniforms, or allowances therefor; not to exceed \$25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, \$369,200,000, of which not to exceed 10 percent shall remain available until September 30, 2021: Provided, That funds provided under this heading may be transferred to "General Operating Expenses, Veterans Benefits Administration".

## BOARD OF VETERANS APPEALS

For necessary operating expenses of the Board of Veterans Appeals, \$182,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

## INFORMATION TECHNOLOGY SYSTEMS

## (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for information technology systems and telecommunications support, including developmental information systems and operational information systems; for pay and associated costs; and for the capital asset acquisition of information technology systems, including management and related contractual costs of said acquisitions, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, \$4,343,000,000, plus reimbursements: Provided, That \$1,204,238,000 shall be for pay and associated costs, of which not to exceed 3 percent shall remain available until September 30, 2021: Provided further, That \$2,737,482,000 shall be for operations and maintenance, of which not to exceed 5 percent shall remain available until September 30, 2021: Provided further, That \$401,280,000 shall be for information technology systems development, and shall remain available until September 30, 2021: Provided further, That amounts made available for salaries and expenses, operations and maintenance, and information technology systems development may be transferred among the three subaccounts after the Secretary of Veterans Affairs requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That amounts made available for the "Information Technology Systems" account for development may be transferred among projects or to newly defined projects: Provided further, That no project may be increased or decreased by more than \$1,000,000 of cost prior to submitting a request to the Committees on Appropriations of both Houses of Congress to make the transfer and an approval is issued, or absent a response, a period of 30 days has elapsed: Provided further, That the funds made available under this heading for information technology systems development shall be for the projects, and in the amounts, specified under this heading in the report accompanying this Act.

## VETERANS ELECTRONIC HEALTH RECORD

For activities related to implementation, preparation, development, interface, management,

rollout, and maintenance of a Veterans Electronic Health Record system, including contractual costs associated with operations authorized by section 3109 of title 5, United States Code, and salaries and expenses of employees hired under titles 5 and 38, United States Code, \$1,603,000,000, to remain available until September 30, 2022: Provided, That the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress quarterly reports detailing obligations, expenditures, and deployment implementation by facility: Provided further, That the funds provided in this account shall only be available to the Office of the Deputy Secretary, to be administered by that Office: Provided further, That none of the funds made available under this heading may be obligated in a manner inconsistent with deployment schedules provided to the Committees on Appropriations unless the Secretary of Veterans Affairs provides notification to the Committees on Appropriations of such change and an approval is issued.

## OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General, to include information technology, in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), \$222,000,000, of which not to exceed 10 percent shall remain available until September 30, 2021.

## CONSTRUCTION, MAJOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, including planning, architectural and engineering services, construction management services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is more than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, or where funds for a project were made available in a previous major project appropriation, \$1,235,200,000, of which \$1,036,600,000 shall remain available until September 30, 2024, and of which \$198,600,000 shall remain available until expended, of which \$35,000,000 shall be available for seismic improvement projects and seismic program management activities, including for projects that would otherwise be funded by the Construction, Minor Projects, Medical Facilities or National Cemetery Administration accounts: Provided, That except for advance planning activities, including needs assessments which may or may not lead to capital investments, and other capital asset management related activities, including portfolio development and management activities, and investment strategy studies funded through the advance planning fund and the planning and design activities funded through the design fund, including needs assessments which may or may not lead to capital investments, and funds provided for the purchase, security, and maintenance of land for the National Cemetery Administration through the land acquisition line item, none of the funds made available under this heading shall be used for any project that has not been notified to Congress through the budgetary process or that has not been approved by the Congress through statute, joint resolution, or in the explanatory statement accompanying such Act and presented to the President at the time of enrollment: Provided further, That such sums as may be necessary shall be available to reimburse the "General Administration" account for payment of salaries and expenses of all Office of Construction and Facilities Management employees to support the full range of capital infrastructure services provided, including minor construction and leasing services: Provided further, That funds made available under this heading for fiscal year 2020, for each approved project shall be obligated: (1) by the awarding of a construction documents contract by September 30, 2020; and (2) by the awarding of a construction contract by September 30, 2021: Provided further, That the Secretary of Veterans Affairs shall promptly submit to the Committees on Appropriations of both Houses of Congress a written report on any approved major construction project for which obligations are not incurred within the time limitations established above: Provided further, That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing seismic projects of the Department.

## CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities, including parking projects, under the jurisdiction or for the use of the Department of Veterans Affairs, including planning and assessments of needs which may lead to capital investments, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406 and chapter 81 of title 38, United States Code, not otherwise provided for, where the estimated cost of a project is equal to or less than the amount set forth in section 8104(a)(3)(A) of title 38, United States Code, \$421,117,000, to remain available until September 30, 2024, along with unobligated balances of previous "Construction, Minor Projects" appropriations which are hereby made available for any project where the estimated cost is equal to or less than the amount set forth in such section: Provided, That funds made available under this heading shall be for: (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by any natural disaster or catastrophe; and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

## GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify, or alter existing hospital, nursing home, and domiciliary facilities in State homes, for furnishing care to veterans as authorized by sections 8131 through 8137 of title 38, United States Code, \$150,000,000, to remain available until expended.

## GRANTS FOR CONSTRUCTION OF VETERANS CEMETERIES

For grants to assist States and tribal organizations in establishing, expanding, or improving veterans cemeteries as authorized by section 2408 of title 38, United States Code, \$45,000,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS  
(INCLUDING TRANSFER OF FUNDS)

SEC. 201. Any appropriation for fiscal year 2020 for "Compensation and Pensions", "Readjustment Benefits", and "Veterans Insurance and Indemnities" may be transferred as necessary to any other of the mentioned appropriations: Provided, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and such Committees issue an approval, or absent a response, a period of 30 days has elapsed.

## (INCLUDING TRANSFER OF FUNDS)

SEC. 202. Amounts made available for the Department of Veterans Affairs for fiscal year

2020, in this or any other Act, under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities” accounts may be transferred among the accounts: Provided, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts of 1 percent or less of the total amount appropriated to the account in this or any other Act may take place subject to notification from the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress of the amount and purpose of the transfer: Provided further, That any transfers among the “Medical Services”, “Medical Community Care”, and “Medical Support and Compliance” accounts in excess of 1 percent, or exceeding the cumulative 1 percent for the fiscal year, may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued: Provided further, That any transfers to or from the “Medical Facilities” account may take place only after the Secretary requests from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

SEC. 203. Appropriations available in this title for salaries and expenses shall be available for services authorized by section 3109 of title 5, United States Code; hire of passenger motor vehicles; lease of a facility or land or both; and uniforms or allowances therefore, as authorized by sections 5901 through 5902 of title 5, United States Code.

SEC. 204. No appropriations in this title (except the appropriations for “Construction, Major Projects”, and “Construction, Minor Projects”) shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 205. No appropriations in this title shall be available for hospitalization or examination of any persons (except beneficiaries entitled to such hospitalization or examination under the laws providing such benefits to veterans, and persons receiving such treatment under sections 7901 through 7904 of title 5, United States Code, or the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.)), unless reimbursement of the cost of such hospitalization or examination is made to the “Medical Services” account at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 206. Appropriations available in this title for “Compensation and Pensions”, “Readjustment Benefits”, and “Veterans Insurance and Indemnities” shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 2019.

SEC. 207. Appropriations available in this title shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from sections 3328(a), 3334, and 3712(a) of title 31, United States Code, except that if such obligations are from trust fund accounts they shall be payable only from “Compensation and Pensions”.

(INCLUDING TRANSFER OF FUNDS)

SEC. 208. Notwithstanding any other provision of law, during fiscal year 2020, the Secretary of Veterans Affairs shall, from the National Service Life Insurance Fund under section 1920 of title 38, United States Code, the Veterans’ Special Life Insurance Fund under section 1923 of title 38, United States Code, and the United States Government Life Insurance Fund under section 1955 of title 38, United States Code, reimburse the “General Operating Expenses, Veterans Benefits Administration” and “Information Technology Systems” accounts for the cost of administration of the insurance programs financed through those accounts: Provided, That

reimbursement shall be made only from the surplus earnings accumulated in such an insurance program during fiscal year 2020 that are available for dividends in that program after claims have been paid and actuarially determined reserves have been set aside: Provided further, That if the cost of administration of such an insurance program exceeds the amount of surplus earnings accumulated in that program, reimbursement shall be made only to the extent of such surplus earnings: Provided further, That the Secretary shall determine the cost of administration for fiscal year 2020 which is properly allocable to the provision of each such insurance program and to the provision of any total disability income insurance included in that insurance program.

SEC. 209. Amounts deducted from enhanced-use lease proceeds to reimburse an account for expenses incurred by that account during a prior fiscal year for providing enhanced-use lease services, may be obligated during the fiscal year in which the proceeds are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 210. Funds available in this title or funds for salaries and other administrative expenses shall also be available to reimburse the Office of Resolution Management, the Office of Employment Discrimination Complaint Adjudication, and the Office of Diversity and Inclusion for all services provided at rates which will recover actual costs but not to exceed \$57,263,000 for the Office of Resolution Management, \$6,000,000 for the Office of Employment Discrimination Complaint Adjudication, and \$4,628,000 for the Office of Diversity and Inclusion: Provided, That payments may be made in advance for services to be furnished based on estimated costs: Provided further, That amounts received shall be credited to the “General Administration” and “Information Technology Systems” accounts for use by the office that provided the service.

SEC. 211. No funds of the Department of Veterans Affairs shall be available for hospital care, nursing home care, or medical services provided to any person under chapter 17 of title 38, United States Code, for a non-service-connected disability described in section 1729(a)(2) of such title, unless that person has disclosed to the Secretary of Veterans Affairs, in such form as the Secretary may require, current, accurate third-party reimbursement information for purposes of section 1729 of such title: Provided, That the Secretary may recover, in the same manner as any other debt due the United States, the reasonable charges for such care or services from any person who does not make such disclosure as required: Provided further, That any amounts so recovered for care or services provided in a prior fiscal year may be obligated by the Secretary during the fiscal year in which amounts are received.

(INCLUDING TRANSFER OF FUNDS)

SEC. 212. Notwithstanding any other provision of law, proceeds or revenues derived from enhanced-use leasing activities (including disposal) may be deposited into the “Construction, Major Projects” and “Construction, Minor Projects” accounts and be used for construction (including site acquisition and disposition), alterations, and improvements of any medical facility under the jurisdiction or for the use of the Department of Veterans Affairs. Such sums as realized are in addition to the amount provided for in “Construction, Major Projects” and “Construction, Minor Projects”.

SEC. 213. Amounts made available under “Medical Services” are available—

- (1) for furnishing recreational facilities, supplies, and equipment; and
- (2) for funeral expenses, burial expenses, and other expenses incidental to funerals and burials for beneficiaries receiving care in the Department.

(INCLUDING TRANSFER OF FUNDS)

SEC. 214. Such sums as may be deposited to the Medical Care Collections Fund pursuant to

section 1729A of title 38, United States Code, may be transferred to the “Medical Services” and “Medical Community Care” accounts to remain available until expended for the purposes of these accounts.

SEC. 215. The Secretary of Veterans Affairs may enter into agreements with Federally Qualified Health Centers in the State of Alaska and Indian tribes and tribal organizations which are party to the Alaska Native Health Compact with the Indian Health Service, to provide healthcare, including behavioral health and dental care, to veterans in rural Alaska. The Secretary shall require participating veterans and facilities to comply with all appropriate rules and regulations, as established by the Secretary. The term “rural Alaska” shall mean those lands which are not within the boundaries of the municipality of Anchorage or the Fairbanks North Star Borough.

(INCLUDING TRANSFER OF FUNDS)

SEC. 216. Such sums as may be deposited to the Department of Veterans Affairs Capital Asset Fund pursuant to section 8118 of title 38, United States Code, may be transferred to the “Construction, Major Projects” and “Construction, Minor Projects” accounts, to remain available until expended for the purposes of these accounts.

SEC. 217. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a report on the financial status of the Department of Veterans Affairs for the preceding quarter: Provided, That, at a minimum, the report shall include the direction contained in the paragraph entitled “Quarterly reporting”, under the heading “General Administration” in the joint explanatory statement accompanying Public Law 114-223.

(INCLUDING TRANSFER OF FUNDS)

SEC. 218. Amounts made available under the “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “General Operating Expenses, Veterans Benefits Administration”, “Board of Veterans Appeals”, “General Administration”, and “National Cemetery Administration” accounts for fiscal year 2020 may be transferred to or from the “Information Technology Systems” account: Provided, That such transfers may not result in a more than 10 percent aggregate increase in the total amount made available by this Act for the “Information Technology Systems” account: Provided further, That, before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and an approval is issued.

(INCLUDING TRANSFER OF FUNDS)

SEC. 219. Of the amounts appropriated to the Department of Veterans Affairs for fiscal year 2020 for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, “Medical Facilities”, “Construction, Minor Projects”, and “Information Technology Systems”, up to \$314,409,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress: Provided

further, That section 220 of title II of division C of Public Law 115-244 is repealed.

(INCLUDING TRANSFER OF FUNDS)

SEC. 220. Of the amounts appropriated to the Department of Veterans Affairs which become available on October 1, 2020, for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, up to \$322,931,000, plus reimbursements, may be transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571) and may be used for operation of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): Provided, That additional funds may be transferred from accounts designated in this section to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Veterans Affairs to the Committees on Appropriations of both Houses of Congress.

(INCLUDING TRANSFER OF FUNDS)

SEC. 221. Such sums as may be deposited to the Medical Care Collections Fund pursuant to section 1729A of title 38, United States Code, for healthcare provided at facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500) shall also be available: (1) for transfer to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund, established by section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 3571); and (2) for operations of the facilities designated as combined Federal medical facilities as described by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500): Provided, That, notwithstanding section 1704(b)(3) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2573), amounts transferred to the Joint Department of Defense—Department of Veterans Affairs Medical Facility Demonstration Fund shall remain available until expended.

(INCLUDING TRANSFER OF FUNDS)

SEC. 222. Of the amounts available in this title for “Medical Services”, “Medical Community Care”, “Medical Support and Compliance”, and “Medical Facilities”, a minimum of \$15,000,000 shall be transferred to the DOD-VA Health Care Sharing Incentive Fund, as authorized by section 8111(d) of title 38, United States Code, to remain available until expended, for any purpose authorized by section 8111 of title 38, United States Code.

SEC. 223. The Secretary of Veterans Affairs shall notify the Committees on Appropriations of both Houses of Congress of all bid savings in a major construction project that total at least \$5,000,000, or 5 percent of the programmed amount of the project, whichever is less: Provided, That such notification shall occur within 14 days of a contract identifying the programmed amount: Provided further, That the Secretary shall notify the Committees on Appropriations of both Houses of Congress 14 days prior to the obligation of such bid savings and shall describe the anticipated use of such savings.

SEC. 224. None of the funds made available for “Construction, Major Projects” may be used for a project in excess of the scope specified for that project in the original justification data provided to the Congress as part of the request for appropriations unless the Secretary of Veterans Affairs receives approval from the Committees on Appropriations of both Houses of Congress.

SEC. 225. Not later than 30 days after the end of each fiscal quarter, the Secretary of Veterans Affairs shall submit to the Committees on Appropriations of both Houses of Congress a quarterly report containing performance measures and data from each Veterans Benefits Administration Regional Office: Provided, That, at a minimum, the report shall include the direction contained in the section entitled “Disability claims backlog”, under the heading “General Operating Expenses, Veterans Benefits Administration” in the joint explanatory statement accompanying Public Law 114-223: Provided further, That the report shall also include information on the number of appeals pending at the Veterans Benefits Administration as well as the Board of Veterans Appeals on a quarterly basis.

SEC. 226. The Secretary of Veterans Affairs shall provide written notification to the Committees on Appropriations of both Houses of Congress 15 days prior to organizational changes which result in the transfer of 25 or more full-time equivalents from one organizational unit of the Department of Veterans Affairs to another.

SEC. 227. The Secretary of Veterans Affairs shall provide on a quarterly basis to the Committees on Appropriations of both Houses of Congress notification of any single national outreach and awareness marketing campaign in which obligations exceed \$1,000,000.

(INCLUDING TRANSFER OF FUNDS)

SEC. 228. The Secretary of Veterans Affairs, upon determination that such action is necessary to address needs of the Veterans Health Administration, may transfer to the “Medical Services” account any discretionary appropriations made available for fiscal year 2020 in this title (except appropriations made to the “General Operating Expenses, Veterans Benefits Administration” account) or any discretionary unobligated balances within the Department of Veterans Affairs, including those appropriated for fiscal year 2020, that were provided in advance by appropriations Acts: Provided, That transfers shall be made only with the approval of the Office of Management and Budget: Provided further, That the transfer authority provided in this section is in addition to any other transfer authority provided by law: Provided further, That no amounts may be transferred from amounts that were designated by Congress as an emergency requirement pursuant to a concurrent resolution on the budget or the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That such authority to transfer may not be used unless for higher priority items, based on emergent healthcare requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by Congress: Provided further, That, upon determination that all or part of the funds transferred from an appropriation are not necessary, such amounts may be transferred back to that appropriation and shall be available for the same purposes as originally appropriated: Provided further, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

(INCLUDING TRANSFER OF FUNDS)

SEC. 229. Amounts made available for the Department of Veterans Affairs for fiscal year 2020, under the “Board of Veterans Appeals” and the “General Operating Expenses, Veterans Benefits Administration” accounts may be transferred between such accounts: Provided, That before a transfer may take place, the Secretary of Veterans Affairs shall request from the Committees on Appropriations of both Houses of Congress the authority to make the transfer and receive approval of that request.

SEC. 230. The Secretary of Veterans Affairs may not reprogram funds among major construction projects or programs if such instance

of reprogramming will exceed \$7,000,000, unless such reprogramming is approved by the Committees on Appropriations of both Houses of Congress.

SEC. 231. (a) The Secretary of Veterans Affairs shall ensure that the toll-free suicide hotline under section 1720F(h) of title 38, United States Code—

(1) provides to individuals who contact the hotline immediate assistance from a trained professional; and

(2) adheres to all requirements of the American Association of Suicidology.

(b)(1) None of the funds made available by this Act may be used to enforce or otherwise carry out any Executive action that prohibits the Secretary of Veterans Affairs from appointing an individual to occupy a vacant civil service position, or establishing a new civil service position, at the Department of Veterans Affairs with respect to such a position relating to the hotline specified in subsection (a).

(2) In this subsection—

(A) the term “civil service” has the meaning given such term in section 2101(1) of title 5, United States Code; and

(B) the term “Executive action” includes—

(i) any Executive order, presidential memorandum, or other action by the President; and

(ii) any agency policy, order, or other directive.

SEC. 232. None of the funds in this or any other Act may be used to close Department of Veterans Affairs (VA) hospitals, domiciliaries, or clinics, conduct an environmental assessment, or to diminish healthcare services at existing Veterans Health Administration medical facilities located in Veterans Integrated Service Network 23 as part of a planned realignment of VA services until the Secretary provides to the Committees on Appropriations of both Houses of Congress a report including the following elements:

(1) a national realignment strategy that includes a detailed description of realignment plans within each Veterans Integrated Services Network (VISN), including an updated Long Range Capital Plan to implement realignment requirements;

(2) an explanation of the process by which those plans were developed and coordinated within each VISN;

(3) a cost versus benefit analysis of each planned realignment, including the cost of replacing Veterans Health Administration services with contract care or other outsourced services;

(4) an analysis of how any such planned realignment of services will impact access to care for veterans living in rural or highly rural areas, including travel distances and transportation costs to access a VA medical facility and availability of local specialty and primary care;

(5) an inventory of VA buildings with historic designation and the methodology used to determine the buildings’ condition and utilization;

(6) a description of how any realignment will be consistent with requirements under the National Historic Preservation Act; and

(7) consideration given for reuse of historic buildings within newly identified realignment requirements: Provided, That, this provision shall not apply to capital projects in VISN 23, or any other VISN, which have been authorized or approved by Congress.

SEC. 233. Effective during the period beginning on October 1, 2018 and ending on January 1, 2024, none of the funds made available to the Secretary of Veterans Affairs by this or any other Act may be obligated or expended in contravention of the “Veterans Health Administration Clinical Preventive Services Guidance Statement on the Veterans Health Administration’s Screening for Breast Cancer Guidance” published on May 10, 2017, as issued by the Veterans Health Administration National Center for Health Promotion and Disease Prevention.

SEC. 234. (a) Chapter 17 of title 38, United States Code, is amended by inserting after section 1720I the following new section:

**“§1720J. Provision of assisted reproductive technology or adoption reimbursements for certain disabled veterans**

“(a) **PROVISION OF SERVICES.**—Subject to the availability of appropriations, the Secretary may provide—

“(1) fertility counseling and treatment using assisted reproductive technology to a covered veteran or the spouse of a covered veteran; or

“(2) adoption reimbursement to a covered veteran.

“(b) **LIMITATIONS.**—Amounts made available for the purposes specified in subsection (a) are subject to the requirements for funds contained in section 508 of division H of the Consolidated Appropriations Act, 2017 (Public Law 115–31).

“(c) **DEFINITIONS.**—In this section:

“(1) The term ‘adoption reimbursement’ means reimbursement for the adoption-related expenses for an adoption that is finalized after the date of the enactment of this section under the same terms as apply under the adoption reimbursement program of the Department of Defense, as authorized in Department of Defense Instruction 1341.09, including the reimbursement limits and requirements set forth in such instruction, as in effect on the date of the enactment of this section.

“(2) The term ‘assisted reproductive technology’ means benefits relating to reproductive assistance provided to a member of the Armed Forces who incurs a serious injury or illness on active duty pursuant to section 1074(c)(4)(A) of title 10, as described in the memorandum on the subject of ‘Policy for Assisted Reproductive Services for the Benefit of Seriously or Severely Ill/Injured (Category II or III) Active Duty Service Members’ issued by the Assistant Secretary of Defense for Health Affairs on April 3, 2012, and the guidance issued to implement such policy, as in effect on the date of the enactment of this section, including any limitations on the amount of such benefits available to such a member, except that—

“(A) the periods regarding embryo cryopreservation and storage set forth in part III(G) and in part IV(H) of such memorandum shall not apply; and

“(B) such term includes embryo cryopreservation and storage without limitation on the duration of such cryopreservation and storage.

“(3) The term ‘covered veteran’ means a veteran who has a service-connected disability that results in the inability of the veteran to procreate without the use of fertility treatment.”.

(b) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1720I the following new item:

“1720J. Provision of assisted reproductive technology or adoption reimbursements for certain disabled veterans.”.

SEC. 235. None of the funds appropriated or otherwise made available by this Act or any other Act for the Department of Veterans Affairs may be used in a manner that is inconsistent with: (1) section 842 of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 (Public Law 109–115; 119 Stat. 2506); or (2) section 8110(a)(5) of title 38, United States Code.

SEC. 236. Section 842 of Public Law 109–115 shall not apply to conversion of an activity or function of the Veterans Health Administration, Veterans Benefits Administration, or National Cemetery Administration to contractor performance by a business concern that is at least 51 percent owned by one or more Indian tribes as defined in section 5304(e) of title 25, United States Code, or one or more Native Hawaiian Organizations as defined in section 637(a)(15) of title 15, United States Code.

SEC. 237. (a) Except as provided in subsection (b), the Secretary of Veterans Affairs, in con-

sultation with the Secretary of Defense and the Secretary of Labor, shall discontinue using Social Security account numbers to identify individuals in all information systems of the Department of Veterans Affairs as follows:

(1) For all veterans submitting to the Secretary of Veterans Affairs new claims for benefits under laws administered by the Secretary, not later than 5 years after the date of the enactment of this Act.

(2) For all individuals not described in paragraph (1), not later than 8 years after the date of the enactment of this Act.

(b) The Secretary of Veterans Affairs may use a Social Security account number to identify an individual in an information system of the Department of Veterans Affairs only if the use of such number is required to obtain information the Secretary requires from an information system that is not under the jurisdiction of the Secretary.

SEC. 238. For funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and 2021 for “Medical Services”, section 239 of Division A of Public Law 114–223 shall apply.

SEC. 239. None of the funds appropriated in this or prior appropriations Acts or otherwise made available to the Department of Veterans Affairs may be used to transfer any amounts from the Filipino Veterans Equity Compensation Fund to any other account within the Department of Veterans Affairs.

SEC. 240. Of the funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and fiscal year 2021 for “Medical Services”, funds may be used in each year to carry out and expand the child care program authorized by section 205 of Public Law 111–163, notwithstanding subsection (e) of such section.

SEC. 241. None of the funds appropriated or otherwise made available in this title may be used by the Secretary of Veterans Affairs to enter into an agreement related to resolving a dispute or claim with an individual that would restrict in any way the individual from speaking to members of Congress or their staff on any topic not otherwise prohibited from disclosure by Federal law or required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

SEC. 242. For funds provided to the Department of Veterans Affairs for each of fiscal year 2020 and 2021, section 258 of Division A of Public Law 114–223 shall apply.

SEC. 243. For an additional amount for the Department of Veterans Affairs, \$1,000,000,000 to remain available until expended, for infrastructure improvements, including new construction, and in addition to amounts otherwise made available in this Act for such purpose, of which:

(1) \$850,000,000 shall be available for seismic improvement projects and seismic program management activities, including projects that would otherwise be funded by the Construction, Major Projects, the Construction, Minor Projects, Medical Facilities, or National Cemetery Administration accounts;

(2) \$150,000,000 shall be for “Departmental Administration—Construction, Minor Projects”: Provided, That the additional amounts appropriated under this section for the purpose of minor construction may be used to carry out critical life-safety projects identified in the Department’s annual facility condition assessments; sustainment projects; modernization projects; infrastructure repair; renovations at existing Veterans Health Administration medical centers and outpatient clinics; and projects included in the Strategic Capital Investment Process plan: Provided further, That notwithstanding the requirements of section 8104(a) of title 38, United States Code, amounts made available under this heading for seismic improvement projects and seismic program management activities shall be available for the completion of both new and existing projects of the Department: Provided further, That the additional amounts appropriated under this section

may not be obligated or expended until the Secretary of Veterans Affairs submits to the Committees on Appropriations of both Houses of Congress, and such Committees approve, a detailed expenditure plan, including project descriptions and costs, for any minor construction, major construction, or seismic improvement project being funded with the additional amounts made available in this administrative provision.

SEC. 244. (a) None of the funds appropriated or otherwise made available by this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency of the United States Government over which such Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede the access of such Inspector General to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to such Inspector General and expressly limits the right of access of such Inspector General.

(b) A department or agency covered by this section shall provide its Inspector General access to all records, documents, and other materials in a timely manner.

(c) Each Inspector General covered by this section shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives within 5 calendar days of any failure by any department or agency covered by this section to comply with this section.

SEC. 245. None of the funds made available in this Act may be used in a manner that would increase wait times for veterans who seek care at medical facilities of the Department of Veterans Affairs.

SEC. 246. None of the funds appropriated or otherwise made available by this Act to the Veterans Health Administration may be used in fiscal year 2020 to convert any program which received specific purpose funds in fiscal year 2019 to a general purpose funded program unless the Secretary of Veterans Affairs submits written notification of any such proposal to the Committees on Appropriations of both Houses of Congress at least thirty days prior to any such action and an approval is issued by the Committees.

SEC. 247. (a) Except as provided by subsection (b), none of the funds made available by this Act may be used by the Secretary of Veterans Affairs to purchase, breed, transport, house, feed, maintain, dispose of, or experiment on, dogs as part of the conduct of any study including an assignment of pain category D or E, as defined by the Pain and Distress Categories of the Department of Agriculture (or such successor categories developed pursuant to section 13 of the Animal Welfare Act (7 U.S.C. 2143)).

(b) Subsection (a) shall not apply to training programs or studies of service dogs described in section 1714 of title 38, United States Code, or section 17.148 of title 38, Code of Federal Regulations.

SEC. 248. None of the funds made available by this Act may be used by the Secretary of Veterans Affairs to close the community based outpatient clinic located in Bainbridge, New York, until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a market area assessment.

SEC. 249. (a) Not later than 180 days after the date of the enactment of this Act, and not less frequently than once every five-year period thereafter, the Secretary of Veterans Affairs

shall update the handbook of the Department of Veterans Affairs titled “Planning and Activating Community Based Outpatient Clinics”, or a successor handbook, to reflect current policies, best practices, and clarify the roles and responsibilities of the personnel of the Department involved in the leasing projects of the Department.

(b) The Secretary shall ensure that the handbook specified in subsection (a) defines “community based outpatient clinic” in the same manner as such term is defined in the Veterans Health Administration Site Tracking database (commonly known as “VAST”) as of the date of the enactment of this Act.

(c) The Secretary shall ensure that the Veterans Health Administration incorporates the best practices contained in the handbook specified in subsection (a) in conducting oversight of the medical centers of the Department of Veterans Affairs and the Veterans Integrated Service Network.

(d) Not later than 180 days after the date of the enactment of this Act, the Secretary shall provide guidance and training to employees of the Veterans Health Administration for the use of the handbook specified in subsection (a). The Secretary shall update such guidance and training together with each update of such handbook.

#### (RESCISSION OF FUNDS)

SEC. 250. Of the funds made available for fiscal year 2019 under the heading “Department of Veterans Affairs—Departmental Administration—Veterans Electronic Health Record” in title II of division C of the Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019 (Public Law 115–244), \$70,000,000 is hereby rescinded.

SEC. 251. Section 252 of the Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2018 (division J of Public Law 115–141; 132 Stat. 825; 38 U.S.C. 1701 note) is amended by striking “The Secretary may carry out a 2-year pilot program” and inserting “During the period preceding October 1, 2022, the Secretary of Veterans Affairs may carry out a 2-year pilot program”.

#### TITLE III

##### RELATED AGENCIES

##### AMERICAN BATTLE MONUMENTS COMMISSION SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one-for-one replacement basis only) and hire of passenger motor vehicles; not to exceed \$15,000 for official reception and representation expenses; and insurance of official motor vehicles in foreign countries, when required by law of such countries, \$104,000,000, to remain available until expended.

##### FOREIGN CURRENCY FLUCTUATIONS ACCOUNT

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, such sums as may be necessary, to remain available until expended, for purposes authorized by section 2109 of title 36, United States Code.

##### UNITED STATES COURT OF APPEALS FOR VETERANS CLAIMS

##### SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Appeals for Veterans Claims as authorized by sections 7251 through 7298 of title 38, United States Code, \$35,400,000: Provided, That \$2,698,997 shall be available for the purpose of providing financial assistance as described and in accordance with the process

and reporting procedures set forth under this heading in Public Law 102–229.

##### DEPARTMENT OF DEFENSE—CIVIL CEMETERY EXPENSES, ARMY SALARIES AND EXPENSES

For necessary expenses for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, including the purchase or lease of passenger motor vehicles for replacement on a one-for-one basis only, and not to exceed \$2,000 for official reception and representation expenses, \$80,800,000, of which not to exceed \$15,000,000 shall remain available until September 30, 2022. In addition, such sums as may be necessary for parking maintenance, repairs and replacement, to be derived from the “Lease of Department of Defense Real Property for Defense Agencies” account.

##### CONSTRUCTION

For necessary expenses for planning and design and construction at Arlington National Cemetery and Soldiers’ and Airmen’s Home National Cemetery, \$131,000,000, to remain available until expended, for planning and design and construction associated with the Southern Expansion project at Arlington National Cemetery.

##### ARMED FORCES RETIREMENT HOME TRUST FUND

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulport, Mississippi, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, \$70,300,000, of which \$5,000,000 shall remain available until expended for construction and renovation of the physical plants at the Armed Forces Retirement Home—Washington, District of Columbia, and the Armed Forces Retirement Home—Gulport, Mississippi: Provided, That of the amounts made available under this heading from funds available in the Armed Forces Retirement Home Trust Fund, \$22,000,000 shall be paid from the general fund of the Treasury to the Trust Fund.

##### ADMINISTRATIVE PROVISION

SEC. 301. Amounts deposited into the special account established under 10 U.S.C. 4727 are appropriated and shall be available until expended to support activities at the Army National Military Cemeteries.

#### TITLE IV

##### OVERSEAS CONTINGENCY OPERATIONS DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, \$156,860,000, to remain available until September 30, 2024, for projects outside of the United States: Provided, That such amount is designated 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, as amended.

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$281,576,000, to remain available until September 30, 2024, for projects outside of the United States: Provided, That such amount is designated 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, as amended.

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force” \$436,564,000, to remain available until September 30, 2024, for projects outside of the United States: Provided, That such amount is designated 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, as amended.

##### MILITARY CONSTRUCTION, DEFENSE-WIDE

For an additional amount for “Military Construction, Defense-Wide”, \$46,000,000, to remain available until September 30, 2024, for projects outside of the United States: Provided, That such amount is designated 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, as amended.

##### ADMINISTRATIVE PROVISION

SEC. 401. 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 only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

#### TITLE V

##### NATURAL DISASTER RELIEF

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$1,210,948,000: Provided, That such amounts may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That such amounts 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, as amended.

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$1,035,752,000: Provided, That such amounts may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That such amounts 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, as amended.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$50,000,000: Provided, That such amounts may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That such amounts 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, as amended.

##### MILITARY CONSTRUCTION, ARMY RESERVE

For an additional amount for “Military Construction, Army Reserve”, \$3,300,000: Provided, That such amounts may be obligated and expended to carry out planning and design and military construction projects authorized by law: Provided further, That such amounts 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, as amended.

##### ADMINISTRATIVE PROVISION

SEC. 501. Each amount designated in this title as being for an emergency requirement as pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available only if the President subsequently so designates all such amounts and



transmits such amounts and transmits such designations to the Congress: Provided, That none of the funds shall be available for obligation until the Committees on Appropriations of the House of Representatives and the Senate receive a master plan for the installations and a form 1391 for each specific project: Provided further, That not later than 60 days after enactment of this Act, the Service Secretaries or their designee, shall submit to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading.

#### TITLE VI

##### GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 602. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 603. All departments and agencies funded under this Act are encouraged, within the limits of the existing statutory authorities and funding, to expand their use of “E-Commerce” technologies and procedures in the conduct of their business practices and public service activities.

SEC. 604. Unless stated otherwise, all reports and notifications required by this Act shall be submitted to the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the House of Representatives and the Subcommittee on Military Construction and Veterans Affairs, and Related Agencies of the Committee on Appropriations of the Senate.

SEC. 605. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government except pursuant to a transfer made by, or transfer authority provided in, this or any other appropriations Act.

SEC. 606. None of the funds made available in this Act may be used for a project or program named for an individual serving as a Member, Delegate, or Resident Commissioner of the United States House of Representatives.

SEC. 607. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public Web site of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

- (1) the public posting of the report compromises national security; or
- (2) the report contains confidential or proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 608. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 609. None of the funds made available in this Act may be used by an agency of the executive branch to pay for first-class travel by an employee of the agency in contravention of sections 301–10.122 through 301–10.124 of title 41, Code of Federal Regulations.

SEC. 610. None of the funds made available in this Act may be used to execute a contract for

goods or services, including construction services, where the contractor has not complied with Executive Order No. 12989.

SEC. 611. None of the funds made available by this Act may be used by the Department of Defense or the Department of Veterans Affairs to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 612. Notwithstanding any other provision of law, none of the funds appropriated in this or any other Act for a military construction project, as defined by section 2801 of title 10, United States Code, for any of fiscal years 2015 through 2019 or for fiscal year 2020 may be obligated, expended, or used to design, construct, or carry out a project to construct a wall, barrier, fence, or road along the Southern border of the United States or a road to provide access to a wall, barrier, or fence constructed along the Southern border of the United States.

##### ADDITIONAL REQUIREMENTS FOR CHILD CARE PROVIDERS

SEC. 613. (a) Subject to subsection (b), none of the funds appropriated by this bill may be provided to a child care center, child care agency, or child care provider that employs an individual who has been convicted of—

- (1) A sex offense;
- (2) An offense involving a child victim; or
- (3) A violent crime involving any of the following:

- (A) Elder abuse.
- (B) Gun Violence.
- (C) Domestic Violence.
- (D) Terrorism.

(b) Payment may be made under this section to a child care center, child care agency, or child care provider if such child care center, child care agency, or child care provider has suspended the individual described in subsection (a) from having any contact with children while on the job until the case is resolved.

SEC. 614. None of the funds made available by this Act may be used to replace or diminish the quality of care provided by the TRICARE program (as defined in Section 1072 of Title 10 of the United States Code).

SEC. 615. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

SEC. 616. Any reference to a “report accompanying this Act” contained in this division shall be treated as a reference to House Report 116–63. The effect of such Report shall be limited to this division and shall apply for purposes of determining the allocation of funds provided by, and the implementation of, this division.

This Act may be cited as the “Military Construction, Veterans Affairs, and Related Agencies Appropriations Act, 2020”.

#### **DIVISION E—TRANSPORTATION, HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020**

The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2020, and for other purposes, namely:

##### TITLE I

##### DEPARTMENT OF TRANSPORTATION

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, \$113,910,000, of which not to exceed \$3,065,000 shall be available for the immediate Office of the Secretary; not to exceed \$1,000,000 shall be available for the immediate Office of the Deputy Secretary; not to exceed \$20,428,000 shall be available for the Office of the General Counsel; not to exceed \$10,331,000 shall be available

for the Office of the Under Secretary of Transportation for Policy; not to exceed \$14,300,000 shall be available for the Office of the Assistant Secretary for Budget and Programs; not to exceed \$2,546,000 shall be available for the Office of the Assistant Secretary for Governmental Affairs; not to exceed \$29,244,000 shall be available for the Office of the Assistant Secretary for Administration; not to exceed \$2,142,000 shall be available for the Office of Public Affairs; not to exceed \$1,859,000 shall be available for the Office of the Executive Secretariat; not to exceed \$12,181,000 shall be available for the Office of Intelligence, Security, and Emergency Response; and not to exceed \$16,814,000 shall be available for the Office of the Chief Information Officer: Provided, That the Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: Provided further, That no appropriation for any office shall be increased or decreased by more than 7 percent by all such transfers: Provided further, That notice of any change in funding greater than 7 percent shall be submitted for approval to the House and Senate Committees on Appropriations: Provided further, That not to exceed \$60,000 shall be for allocation within the Department for official reception and representation expenses as the Secretary may determine: Provided further, That notwithstanding any other provision of law, excluding fees authorized in Public Law 107–71, there may be credited to this appropriation up to \$2,500,000 in funds received in user fees: Provided further, That none of the funds provided in this Act shall be available for the position of Assistant Secretary for Public Affairs.

##### RESEARCH AND TECHNOLOGY

For necessary expenses related to the Office of the Assistant Secretary for Research and Technology, \$42,948,000, of which \$21,166,000 shall remain available until September 30, 2022, and of which \$15,000,000, to remain available until expended, is for new competitive grants under section 5505 of title 49, United States Code, for Tier I University Transportation Centers: Provided, That such amounts are in addition to amounts previously provided for such program: Provided further, That section 5505(c)(4)(A) of title 49, United States Code, shall not apply to amounts for additional Tier I University Transportation Centers provided under this heading: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training: Provided further, That any reference in law, regulation, judicial proceedings, or elsewhere to the Research and Innovative Technology Administration shall continue to be deemed to be a reference to the Office of the Assistant Secretary for Research and Technology of the Department of Transportation.

##### NATIONAL INFRASTRUCTURE INVESTMENTS

For capital investments in surface transportation infrastructure, \$1,000,000,000, to remain available through September 30, 2022: Provided, That the Secretary of Transportation shall distribute funds provided under this heading as discretionary grants to be awarded to a State, local government, transit agency, port authority, or a collaboration among such entities on a competitive basis for projects that will have a significant local or regional impact: Provided further, That projects eligible for funding provided under this heading shall include, but not be limited to, highway or bridge projects eligible under title 23, United States Code; public transportation projects eligible under chapter 53 of title 49, United States Code; passenger and freight rail transportation projects; and port infrastructure investments (including inland port infrastructure and land ports of entry): Provided further, That of the amount made available under this heading, the Secretary shall use

\$15,000,000 for the planning, preparation or design of projects eligible for funding under this heading, with an emphasis on transit, transit oriented development, and multimodal projects: Provided further, That of the amount made available under this heading, the Secretary shall use \$20,000,000 for the planning, preparation or design of projects eligible for funding under this heading located in areas of persistent poverty: Provided further, That the term persistent poverty means any county that has had 20 percent or more of its population living in poverty over the past 30 years, as measured by the 1990 and 2000 decennial census and the most recent Small Area Income and Poverty Estimates, or any census tract with a poverty rate of at least 20 percent as measured by the 2013-2017 five-year data series available from the American Community Survey of the Census Bureau: Provided further, That grants awarded under the previous three provisos shall not be subject to a minimum grant size: Provided further, That the Secretary may use up to 20 percent of the funds made available under this heading for the purpose of paying the subsidy and administrative costs of projects eligible for Federal credit assistance under chapter 6 of title 23, United States Code, or sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, if the Secretary finds that such use of the funds would advance the purposes of this paragraph: Provided further, That in distributing funds provided under this heading, the Secretary shall take such measures so as to ensure an equitable geographic distribution of funds, an equitable distribution of funds between urban and rural areas, and the investment in a variety of transportation modes, including public transit, passenger rail, and pedestrian improvements: Provided further, That a grant funded under this heading shall be not less than \$5,000,000 and not greater than \$50,000,000: Provided further, That not more than 15 percent of the funds made available under this heading may be awarded to projects in a single State: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be, at the option of the recipient, up to 80 percent: Provided further, That the Secretary shall give priority to projects that require a contribution of Federal funds in order to complete an overall financing package: Provided further, That of the funds awarded under this heading not more than 50 percent shall be for projects located in a rural area with a population equal to or less than 200,000: Provided further, That for projects located in a rural area, the minimum grant size shall be \$1,000,000 and the Secretary may increase the Federal share of costs above 80 percent: Provided further, That of the funds awarded under this heading not more than 50 percent shall be for projects located in an urbanized area with a population of more than 200,000: Provided further, That funds for an urbanized area under the previous proviso may be obligated to projects in the metropolitan area established under section 134 of title 23, United States Code, that encompasses such urbanized area: Provided further, That the Secretary shall consider the benefits of a project on urban and rural areas to the fullest extent to include all relevant geographic areas: Provided further, That projects conducted using funds provided under this heading must comply with the requirements of subchapter IV of chapter 31 of title 40, United States Code: Provided further, That the Secretary shall conduct a new competition to select the grants and credit assistance awarded under this heading: Provided further, That the Secretary may retain up to \$25,000,000 of the funds provided under this heading, and may transfer portions of those funds to the Administrators of the Federal Highway Administration, the Federal Transit Administration, the Federal Railroad Administration, and the Maritime Administration to fund the award and

oversight of grants and credit assistance made under the National Infrastructure Investments program: Provided further, That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2017 Notice of Funding Opportunity: Provided further, That, notwithstanding the previous proviso, the Secretary shall not use the Federal share or an applicant's ability to generate non-Federal revenue as a selection criteria in awarding projects: Provided further, That the Secretary shall issue the Notice of Funding Opportunity no later than 60 days after enactment of this Act: Provided further, That such Notice of Funding Opportunity shall require application submissions 90 days after the publishing of such Notice: Provided further, That of the applications submitted under the previous two provisos, the Secretary shall make grants no later than 270 days after enactment of this Act in such amounts that the Secretary determines: Provided further, That such sums provided for national infrastructure investments for multimodal safety projects under title VIII of division F of the Consolidated and Further Continuing Appropriations Act, 2013 (Public Law 113-6; 127 Stat. 432) shall remain available through fiscal year 2024 for the liquidation of valid obligations of active grants awarded with this funding: Provided further, That the preceding proviso shall be applied as if it were in effect on September 30, 2019.

#### NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU

For necessary expenses of the National Surface Transportation and Innovative Finance Bureau as authorized by 49 U.S.C. 116, \$5,000,000, to remain available until expended: Provided, That the Secretary shall notify the House and Senate Committees on Appropriations no less than 15 days prior to exercising the transfer authority granted under section 116(h) of title 49, United States Code.

#### FINANCIAL MANAGEMENT CAPITAL

For necessary expenses for upgrading and enhancing the Department of Transportation's financial systems and re-engineering business processes, \$2,000,000, to remain available through September 30, 2021.

#### CYBER SECURITY INITIATIVES

For necessary expenses for cyber security initiatives, including necessary upgrades to wide area network and information technology infrastructure, improvement of network perimeter controls and identity management, testing and assessment of information technology against business, security, and other requirements, implementation of Federal cyber security initiatives and information infrastructure enhancements, and implementation of enhanced security controls on network devices, \$15,000,000, to remain available through September 30, 2021.

#### OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, \$9,470,000.

#### TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, \$15,879,000, to remain available until expended: Provided, That of such amount, \$1,000,000 shall be for necessary expenses of the Interagency Infrastructure Permitting Improvement Center (IIPIC): Provided further, That there may be transferred to this appropriation, to remain available until expended, amounts transferred from other Federal agencies for expenses incurred under this heading for IIPIC activities not related to transportation infrastructure: Provided further, That the tools and analysis developed by the IIPIC shall be available to other Federal agencies for the permitting and review of major infrastructure projects not related to transportation only to the extent that

other Federal agencies provide funding to the Department as provided for under the previous proviso.

#### WORKING CAPITAL FUND

For necessary expenses for operating costs and capital outlays of the Working Capital Fund, not to exceed \$424,901,000, shall be paid from appropriations made available to the Department of Transportation: Provided, That such services shall be provided on a competitive basis to entities within the Department of Transportation: Provided further, That the above limitation on operating expenses shall not apply to non-DOT entities: Provided further, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Working Capital Fund without majority approval of the Working Capital Fund Steering Committee and approval of the Secretary: Provided further, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

#### SMALL AND DISADVANTAGED BUSINESS UTILIZATION AND OUTREACH

For necessary expenses for small and disadvantaged business utilization and outreach activities, \$4,646,000, to remain available until September 30, 2021: Provided, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation: Provided further, That appropriations made available under this heading shall be available for any purpose consistent with prior year appropriations that were made available under the heading "Minority Business Resource Center Program".

#### PAYMENTS TO AIR CARRIERS

#### (AIRPORT AND AIRWAY TRUST FUND)

In addition to funds made available from any other source to carry out the essential air service program under 49 U.S.C. 41731 through 41742, \$175,000,000, to be derived from the Airport and Airway Trust Fund, to remain available until expended: Provided, That in determining between or among carriers competing to provide service to a community, the Secretary may consider the relative subsidy requirements of the carriers: Provided further, That basic essential air service minimum requirements shall not include the 15-passenger capacity requirement under subsection 41732(b)(3) of title 49, United States Code: Provided further, That none of the funds in this Act or any other Act shall be used to enter into a new contract with a community located less than 40 miles from the nearest small hub airport before the Secretary has negotiated with the community over a local cost share: Provided further, That amounts authorized to be distributed for the essential air service program under subsection 41742(b) of title 49, United States Code, shall be made available immediately from amounts otherwise provided to the Administrator of the Federal Aviation Administration: Provided further, That the Administrator may reimburse such amounts from fees credited to the account established under section 45303 of title 49, United States Code.

#### ADMINISTRATIVE PROVISIONS—OFFICE OF THE SECRETARY OF TRANSPORTATION

SEC. 101. None of the funds made available in this Act to the Department of Transportation may be obligated for the Office of the Secretary of Transportation to approve assessments or reimbursable agreements pertaining to funds appropriated to the modal administrations in this Act, except for activities underway on the date of enactment of this Act, unless such assessments or agreements have completed the normal reprogramming process for Congressional notification.

SEC. 102. The Secretary shall post on the Web site of the Department of Transportation a schedule of all meetings of the Council on Credit and Finance, including the agenda for each meeting, and require the Council on Credit and Finance to record the decisions and actions of each meeting.

SEC. 103. In addition to authority provided by section 327 of title 49, United States Code, the Department's Working Capital Fund is hereby authorized to provide partial or full payments in advance and accept subsequent reimbursements from all Federal agencies from available funds for transit benefit distribution services that are necessary to carry out the Federal transit pass transportation fringe benefit program under Executive Order No. 13150 and section 3049 of Public Law 109-59: Provided, That the Department shall maintain a reasonable operating reserve in the Working Capital Fund, to be expended in advance to provide uninterrupted transit benefits to Government employees: Provided further, That such reserve will not exceed one month of benefits payable and may be used only for the purpose of providing for the continuation of transit benefits: Provided further, That the Working Capital Fund will be fully reimbursed by each customer agency from available funds for the actual cost of the transit benefit.

SEC. 104. For an additional amount for "Office of the Secretary—Salaries and Expenses", \$2,052,000, to become available on the date on which the Secretary announces the selection of projects to receive awards for each of the following competitive grants, with respect to funds made available for fiscal year 2017 or fiscal year 2018 for such grants:

(a) Federal-State Partnership for State of Good Repair Grants, as authorized by section 24911 of title 49, United States Code, and as funded under the heading "Federal Railroad Administration—Federal-State Partnership for State of Good Repair Grants" by Public Law 115-31 and as funded under the heading "Federal Railroad Administration—Federal-State Partnership for State of Good Repair" by Public Law 115-141;

(b) Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 22907 of title 49, United States Code, and as funded under the heading "Federal Railroad Administration—Consolidated Rail Infrastructure and Safety Improvements" by Public Law 115-141; and

(c) Restoration and Enhancement Grants, as authorized by section 22908 of title 49, United States Code, and as funded under the heading "Federal Railroad Administration—Restoration and Enhancement Grants" by Public Law 115-31 and as funded under the heading "Federal Railroad Administration—Restoration and Enhancement" by Public Law 115-141.

SEC. 105. (a) Of the amount made available to "Office of the Secretary—Research and Technology", \$1,000,000 shall be for the Secretary of Transportation to enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct a study through the Transportation Research Board on effective ways to measure the resilience of transportation systems and services to natural disasters, natural hazards, and other potential disruptions.

(b) The study conducted pursuant to subsection (a) shall—

(1) identify and examine approaches used by Federal agencies, States, metropolitan planning organizations, local governments, and other organizations, including approaches described in academic literature, to develop metrics for transportation resilience, including methodologies used for quantitative and qualitative data collection and analysis; and

(2) provide findings and recommendations on approaches to measuring resilience that have shown or promise success, and strategies to overcome challenges in measuring resilience.

(c) No later than 30 days after the date of enactment of this Act, the Secretary of Transportation shall enter into the arrangement described in subsection (a).

(d) No later than 210 days after the date of enactment of this Act, the National Academies of Sciences, Engineering, and Medicine shall provide an interim report of its findings to the Committees on Appropriations of the House of Representatives and Senate.

(e) No later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committees on Appropriations of the House of Representatives and Senate the final study developed by the National Academies of Sciences, Engineering, and Medicine.

SEC. 106. (a) Of the amount made available to "Office of the Secretary—Research and Technology", \$10,000,000 shall be for the establishment of a Highly Automated Systems Safety Center of Excellence within the Department of Transportation, in order to have a Department of Transportation workforce capable of reviewing, validating, and certifying the safety of automated technologies.

(b) The Highly Automated Systems Safety Center of Excellence shall—

(1) serve as a single place within the Department of Transportation for expertise in automation and human behavior, computer science, machine learning, sensors, and other technologies involving automated systems;

(2) support all Operating Administrations of the Department of Transportation; and

(3) have a workforce composed of Department of Transportation employees, including direct hires or detailees from Operating Administrations.

(c) Employees of the Highly Automated Systems Safety Center of Excellence shall audit, inspect, and certify highly automated systems to ensure their safety.

(d) No later than 90 days after the date of enactment of this Act, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on staffing needs and the staffing plan for the Highly Automated Systems Safety Center of Excellence.

#### FEDERAL AVIATION ADMINISTRATION

##### OPERATIONS

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, the lease or purchase of passenger motor vehicles for replacement only, \$10,677,758,000, to remain available until September 30, 2021, of which \$9,833,400,000 shall be derived from the Airport and Airway Trust Fund: Provided, That of the sums appropriated under this heading—

(1) not less than \$1,603,969,000 shall be available for aviation safety activities;

(2) not to exceed \$7,841,720,000 shall be available for air traffic organization activities;

(3) not to exceed \$24,949,000 shall be available for commercial space transportation activities;

(4) not to exceed \$816,398,000 shall be available for finance and management activities;

(5) not to exceed \$61,258,000 shall be available for NextGen and operations planning activities;

(6) not to exceed \$114,165,000 shall be available for security and hazardous materials safety; and

(7) not to exceed \$215,299,000 shall be available for staff offices, of which \$5,000,000 is for the Minority Serving Institutions internship program, \$5,000,000 is for the aviation maintenance technician development program (as described in section 625 of Public Law 115-254), and \$5,000,000 is for the aviation workforce development program (as described in section 625 of Public Law 115-254):

Provided further, That not to exceed 5 percent of any budget activity, except for aviation safety budget activity, may be transferred to any budget activity under this heading: Provided further, That no transfer may increase or decrease any appropriation by more than 5 percent: Provided further, That any transfer in excess of 5 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That not later than 60 days after the submission of the budget request, the Administrator of the Federal Aviation Administration shall transmit to Congress an annual update to the report submitted to Congress in December 2004 pursuant to section 221 of Public Law 108-176: Provided further, That the amount herein appropriated shall be reduced by \$100,000 for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to the Congress: Provided further, That not later than 60 days after the submission of the budget request, the Administrator shall transmit to Congress a companion report that describes a comprehensive strategy for staffing, hiring, and training flight standards and aircraft certification staff in a format similar to the one utilized for the controller staffing plan, including stated attrition estimates and numerical hiring goals by fiscal year: Provided further, That the amount herein appropriated shall be reduced by \$100,000 per day for each day after the date that is 60 days after the submission of the budget request that such report has not been submitted to Congress: Provided further, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: Provided further, That none of the funds in this Act shall be available for new applicants for the second career training program: Provided further, That none of the funds in this Act shall be available for the Federal Aviation Administration to finalize or implement any regulation that would promulgate new aviation user fees not specifically authorized by law after the date of the enactment of this Act: Provided further, That there may be credited to this appropriation, as offsetting collections, funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: Provided further, That of the funds appropriated under this heading, not less than \$169,000,000 shall be used to fund direct operations of the current air traffic control towers in the contract tower program, including the contract tower cost share program, and any airport that is currently qualified or that will qualify for the program during the fiscal year: Provided further, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Working Capital Fund: Provided further, That none of the funds appropriated or otherwise made available by this Act or any other Act may be used to eliminate the Contract Weather Observers program at any airport: Provided further, That the opening, closing, reorganization, or redesignation of field or regional offices shall be subject to the requirements of section 405 of this Act.

#### FACILITIES AND EQUIPMENT

##### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, technical support services, improvement by contract

or purchase, and hire of national airspace systems and experimental facilities and equipment, as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this heading, including aircraft for aviation regulation and certification; to be derived from the Airport and Airway Trust Fund, \$3,000,000,000, of which \$512,823,000 shall remain available until September 30, 2021, \$2,372,127,000 shall remain available until September 30, 2022, and \$115,050,000 shall remain available until expended: Provided, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment, improvement, and modernization of national airspace systems: Provided further, That no later than 60 days after the submission of the budget request, the Secretary of Transportation shall transmit to the Congress an investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2021 through 2025, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget.

RESEARCH, ENGINEERING, AND DEVELOPMENT  
(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, \$191,100,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2022: Provided, That there may be credited to this appropriation as offsetting collections, funds received from States, counties, municipalities, other public authorities, and private sources, which shall be available for expenses incurred for research, engineering, and development: Provided further, That funds made available under this heading shall be used in accordance with the report accompanying this Act: Provided further, That not to exceed 10 percent of any funding level specified under this heading in the report accompanying this Act may be transferred to any other funding level specified under this heading in the report accompanying this Act: Provided further, That no transfer may increase or decrease any funding level by more than 10 percent: Provided further, That any transfer in excess of 10 percent shall be treated as a reprogramming of funds under section 405 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

GRANTS-IN-AID FOR AIRPORTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(AIRPORT AND AIRWAY TRUST FUND)  
(INCLUDING TRANSFER OF FUNDS)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports of such title; for grants authorized

under section 41743 of title 49, United States Code; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, \$3,000,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: Provided, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of \$3,350,000,000 in fiscal year 2020, notwithstanding section 47117(g) of title 49, United States Code: Provided further, That none of the funds under this heading shall be available for the replacement of baggage conveyor systems, reconfiguration of terminal baggage areas, or other airport improvements that are necessary to install bulk explosive detection systems: Provided further, That notwithstanding section 47109(a) of title 49, United States Code, the Government's share of allowable project costs under paragraph (2) for subgrants or paragraph (3) of that section shall be 95 percent for a project at other than a large or medium hub airport that is a successive phase of a multi-phased construction project for which the project sponsor received a grant in fiscal year 2011 for the construction project: Provided further, That notwithstanding any other provision of law, of funds limited under this heading, not more than \$112,600,000 shall be available for administration, not less than \$15,000,000 shall be available for the Airport Cooperative Research Program, not less than \$33,210,000 shall be available for Airport Technology Research, and \$10,000,000, to remain available until expended, shall be available and transferred to "Office of the Secretary, Salaries and Expenses" to carry out the Small Community Air Service Development Program: Provided further, That in addition to airports eligible under section 41743 of title 49, United States Code, such program may include the participation of an airport that serves a community or consortium that is not larger than a small hub airport, according to FAA hub classifications effective at the time the Office of the Secretary issues a request for proposals.

GRANTS-IN-AID FOR AIRPORTS

For an additional amount for "Grants-In-Aid for Airports", to enable the Secretary of Transportation to make grants for projects as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, \$500,000,000, to remain available through September 30, 2022: Provided, That amounts made available under this heading shall be derived from the general fund, and such funds shall not be subject to apportionment formulas, special apportionment categories, or minimum percentages under chapter 471: Provided further, That the Secretary shall distribute funds provided under this heading as discretionary grants to airports: Provided further, That the amount made available under this heading shall not be subject to any limitation on obligations for the Grants-in-Aid for Airports program set forth in any Act: Provided further, That the Administrator of the Federal Aviation Administration may retain up to 0.5 percent of the funds provided under this heading to fund the award and oversight by the Administrator of grants made under this heading: Provided further, That section 47115(j) of title 49, United States Code, shall not apply with respect to amounts made available under this heading: Provided further, That priority consideration shall be, without regard to airport size, based on project justification and completeness of pre-grant actions.

ADMINISTRATIVE PROVISIONS—FEDERAL AVIATION  
ADMINISTRATION

SEC. 110. None of the funds in this Act may be used to compensate in excess of 600 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center

for Advanced Aviation Systems Development during fiscal year 2020.

SEC. 111. None of the funds in this Act shall be used to pursue or adopt guidelines or regulations requiring airport sponsors to provide to the Federal Aviation Administration without cost building construction, maintenance, utilities and expenses, or space in airport sponsor-owned buildings for services relating to air traffic control, air navigation, or weather reporting: Provided, That the prohibition of funds in this section does not apply to negotiations between the agency and airport sponsors to achieve agreement on "below-market" rates for these items or to grant assurances that require airport sponsors to provide land without cost to the Federal Aviation Administration for air traffic control facilities.

SEC. 112. The Administrator of the Federal Aviation Administration may reimburse amounts made available to satisfy 49 U.S.C. 41742(a)(1) from fees credited under 49 U.S.C. 45303 and any amount remaining in such account at the close of that fiscal year may be made available to satisfy section 41742(a)(1) for the subsequent fiscal year.

SEC. 113. Amounts collected under section 40113(e) of title 49, United States Code, shall be credited to the appropriation current at the time of collection, to be merged with and available for the same purposes of such appropriation.

SEC. 114. None of the funds in this Act shall be available for paying premium pay under subsection 5546(a) of title 5, United States Code, to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

SEC. 115. None of the funds in this Act may be obligated or expended for an employee of the Federal Aviation Administration to purchase a store gift card or gift certificate through use of a Government-issued credit card.

SEC. 116. None of the funds in this Act may be obligated or expended for retention bonuses for an employee of the Federal Aviation Administration without the prior written approval of the Assistant Secretary for Administration of the Department of Transportation.

SEC. 117. Notwithstanding any other provision of law, none of the funds made available under this Act or any prior Act may be used to implement or to continue to implement any limitation on the ability of any owner or operator of a private aircraft to obtain, upon a request to the Administrator of the Federal Aviation Administration, a blocking of that owner's or operator's aircraft registration number from any display of the Federal Aviation Administration's Aircraft Situational Display to Industry data that is made available to the public, except data made available to a Government agency, for the non-commercial flights of that owner or operator.

SEC. 118. None of the funds in this Act shall be available for salaries and expenses of more than eight political and Presidential appointees in the Federal Aviation Administration.

SEC. 119. None of the funds made available under this Act may be used to increase fees pursuant to section 44721 of title 49, United States Code, until the Federal Aviation Administration provides to the House and Senate Committees on Appropriations a report that justifies all fees related to aeronautical navigation products and explains how such fees are consistent with Executive Order 13642.

SEC. 119A. None of the funds in this Act may be used to close a regional operations center of the Federal Aviation Administration or reduce its services unless the Administrator notifies the House and Senate Committees on Appropriations not less than 90 full business days in advance.

SEC. 119B. None of the funds appropriated or limited by this Act may be used to change weight restrictions or prior permission rules at Teterboro airport in Teterboro, New Jersey.

SEC. 119C. None of the funds provided under this Act may be used by the Administrator of the

Federal Aviation Administration to withhold from consideration and approval any new application for participation in the Contract Tower Program, or for reevaluation of Cost-share Program participants as long as the Federal Aviation Administration has received an application from the airport, and as long as the Administrator determines such tower is eligible.

SEC. 119D. Of the funds provided under the heading "Grants-in-aid for Airports", up to \$3,500,000 may be for necessary expenses, including an independent verification regime, to provide reimbursement to airport sponsors that do not provide gateway operations and providers of general aviation ground support services located at those airports closed during a temporary flight restriction (TFR) for any residence of the President that is designated or identified to be secured by the United States Secret Service, and for direct and incremental financial losses incurred while such airports are closed solely due to the actions of the Federal Government: Provided, That no funds shall be obligated or distributed to airport sponsors that do not provide gateway operations and providers of general aviation ground support services until an independent audit is completed: Provided further, That losses incurred as a result of violations of law, or through fault or negligence, of such operators and service providers or of third parties (including airports) are not eligible for reimbursements: Provided further, That obligation and expenditure of funds are conditional upon full release of the United States Government for all claims for financial losses resulting from such actions.

FEDERAL HIGHWAY ADMINISTRATION  
LIMITATION ON ADMINISTRATIVE EXPENSES  
(HIGHWAY TRUST FUND)  
(INCLUDING TRANSFER OF FUNDS)

Not to exceed \$453,549,689, together with advances and reimbursements received by the Federal Highway Administration, shall be obligated for necessary expenses for administration and operation of the Federal Highway Administration. In addition, \$3,248,000 shall be transferred to the Appalachian Regional Commission in accordance with section 104(a) of title 23, United States Code.

FEDERAL-AID HIGHWAYS  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

Funds available for the implementation or execution of Federal-aid highway and highway safety construction programs authorized under titles 23 and 49, United States Code, and the provisions of the Fixing America's Surface Transportation (FAST) Act (Public Law 114-94) shall not exceed total obligations of \$46,365,092,000 for fiscal year 2020: Provided, That the Secretary may collect and spend fees, as authorized by title 23, United States Code, to cover the costs of services of expert firms, including counsel, in the field of municipal and project finance to assist in the underwriting and servicing of Federal credit instruments and all or a portion of the costs to the Federal Government of servicing such credit instruments: Provided further, That such fees are available until expended to pay for such costs: Provided further, That such amounts are in addition to administrative expenses that are also available for such purpose, and are not subject to any obligation limitation or the limitation on administrative expenses under section 608 of title 23, United States Code.

(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(HIGHWAY TRUST FUND)

For the payment of obligations incurred in carrying out Federal-aid highway and highway safety construction programs authorized under title 23, United States Code, \$47,104,092,000 derived from the Highway Trust Fund (other than the Mass Transit Account), to remain available until expended.

HIGHWAY INFRASTRUCTURE PROGRAMS

There is hereby appropriated to the Secretary of Transportation \$1,750,000,000: Provided, That the amounts made available under this heading shall be derived from the general fund, shall be in addition to any funds provided for fiscal year 2020 in this or any other Act for "Federal-aid Highways" under chapter 1 of title 23, United States Code, and shall not affect the distribution or amount of funds provided in any other Act: Provided further, That of the sums made available under this heading:

(1) \$1,493,100,000 shall be for activities eligible under section 133(b) of title 23, United States Code, for the elimination of hazards and the installation of protective devices at railway-highway crossings, and to provide necessary charging infrastructure along corridor ready or corridor pending alternative fuel corridors as defined under 23 U.S.C. 151;

(2) \$5,451,000 shall be for activities eligible under the Puerto Rico Highway Program as described in section 165(b)(2)(C) of title 23, United States Code;

(3) \$1,449,000 shall be for activities eligible under the Territorial Highway Program, as described in section 165(c)(6) of title 23, United States Code;

(4) \$166,000,000 shall be for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act;

(5) \$50,000,000 shall be for competitive grants for activities described in section 130(a) of title 23, United States Code;

(6) \$15,000,000 shall be for grants for Advanced Digital Construction Management Systems;

(7) \$12,000,000 shall be for the Regional Infrastructure Accelerator Demonstration Program authorized under section 1441 of the FAST Act;

(8) \$5,000,000 shall be for a National Road Network Pilot Program for the Federal Highway Administration to create a national level, geospatial dataset that uses data already collected under the Highway Performance Monitoring System; and

(9) \$2,000,000 shall be for research that leads to decreases in highway and pedestrian fatalities among Tribal populations:

Provided further, That the funds made available under this heading for activities eligible under section 133(b) of title 23, United States Code, for the elimination of hazards and the installation of protective devices at railway-highway crossings, and to provide charging infrastructure for alternative fuel corridors, shall be suballocated in the manner described in section 133(d) of such title, except that the set-aside described in section 133(h) of title 23, United States Code shall not apply to funds made available under this heading: Provided further, That the funds made available under this heading in paragraph (1), shall be administered as if apportioned under chapter 1 of such title and shall remain available through September 30, 2023: Provided further, That the funds made available under this heading in paragraph (1), shall be apportioned to the States in the same ratio as the obligation limitation for fiscal year 2020 is distributed among the States in section 120(a)(5) of this Act: Provided further, That, except as provided in the following proviso, the funds made available under this heading for activities eligible under the Puerto Rico Highway Program and activities eligible under the Territorial Highway Program shall be administered as if allocated under sections 165(b) and 165(c), respectively, of such title and shall remain available through September 30, 2023: Provided further, That the funds made available under this heading for activities eligible under the Puerto Rico Highway Program shall not be subject to the requirements of sections 165(b)(2)(A) or 165(b)(2)(B) of such title: Provided further, That the funds made available under this heading for the nationally significant Federal lands and tribal projects program under section 1123 of the FAST Act shall remain

available through September 30, 2023: Provided further, That the funds made available under this heading in paragraph (5) for the elimination of hazards and the installation of protective devices at railway-highway crossings shall be available for projects eligible under section 22907(c) of title 49, United States Code, for commuter authorities, as defined in section 24102(2) of title 49, United States Code, that experienced at least one accident investigated by the National Transportation Safety Board between January 1, 2008 and December 31, 2018: Provided further, That amounts provided under this heading in paragraphs (5), (6), (7), (8), and (9) shall remain available until expended: Provided further, That funds made available under this heading for Advanced Digital Construction Management Systems shall be for competitive grants to State and local governments to develop and expand the capacity to use and deploy Advanced Digital Construction Management Systems and the minimum grant amount shall be \$500,000.

ADMINISTRATIVE PROVISIONS—FEDERAL HIGHWAY ADMINISTRATION

SEC. 120. (a) For fiscal year 2020, the Secretary of Transportation shall—

(1) not distribute from the obligation limitation for Federal-aid highways—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) not distribute an amount from the obligation limitation for Federal-aid highways that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation limitation was provided in a previous fiscal year;

(3) determine the proportion that—

(A) the obligation limitation for Federal-aid highways, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for such fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under the Fixing America's Surface Transportation Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for such fiscal year; and

(5) distribute the obligation limitation for Federal-aid highways, less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the National Highway Performance Program in section 119 of title 23, United States Code, that

are exempt from the limitation under subsection (b)(12) and the amounts apportioned under sections 202 and 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for such fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for such fiscal year.

(b) EXCEPTIONS FROM OBLIGATION LIMITATION.—The obligation limitation for Federal-aid highways shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code; (2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (as in effect for fiscal years 2005 through 2012, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2020, only in an amount equal to \$639,000,000).

(c) REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.—Notwithstanding subsection (a), the Secretary shall, after August 1 of such fiscal year—

(1) revise a distribution of the obligation limitation made available under subsection (a) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of Public Law 112-141) and 104 of title 23, United States Code.

(d) APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the obligation limitation for Federal-aid highways shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) title VI of the Fixing America's Surface Transportation Act.

(2) EXCEPTION.—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(e) REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date of distribution of obligation limitation under subsection (a), the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for such fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for such fiscal year because of the imposition of any obligation limitation for such fiscal year.

(2) RATIO.—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (a)(5).

(3) AVAILABILITY.—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(b) of title 23, United States Code.

SEC. 121. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to chapter 63 of title 49, United States Code, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: Provided, That such funds shall be subject to the obligation limitation for Federal-aid highway and highway safety construction programs.

SEC. 122. Not less than 15 days prior to waiving, under his or her statutory authority, any Buy America requirement for Federal-aid highways projects, the Secretary of Transportation shall make an informal public notice and comment opportunity on the intent to issue such waiver and the reasons therefor: Provided, That the Secretary shall provide an annual report to the House and Senate Committees on Appropriations on any waivers granted under the Buy America requirements.

SEC. 123. None of the funds provided in this Act to the Department of Transportation may be used to provide credit assistance unless not less than 3 days before any application approval to provide credit assistance under sections 603 and 604 of title 23, United States Code, the Secretary of Transportation provides notification in writing to the following committees: the House and Senate Committees on Appropriations; the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives: Provided, That such notification shall include, but not be limited to, the name of the project sponsor; a description of the project; whether credit assistance will be provided as a direct loan, loan guarantee, or line of credit; and the amount of credit assistance.

SEC. 124. None of the funds in this Act may be used to make a grant for a project under section 117 of title 23, United States Code, unless the Secretary, at least 60 days before making a grant under that section, provides written notification to the House and Senate Committees on Appropriations of the proposed grant, including an evaluation and justification for the project and the amount of the proposed grant award: Provided, That the written notification required in the previous proviso shall be made no later than 180 days after enactment of this Act.

SEC. 125. (a) A State or territory, as defined in section 165 of title 23, United States Code, may use for any project eligible under section 133(b) of title 23 or section 165 of title 23 and located within the boundary of the State or territory

any earmarked amount, and any associated obligation limitation: Provided, That the Department of Transportation for the State or territory for which the earmarked amount was originally designated or directed notifies the Secretary of Transportation of its intent to use its authority under this section and submits a quarterly report to the Secretary identifying the projects to which the funding would be applied. Notwithstanding the original period of availability of funds to be obligated under this section, such funds and associated obligation limitation shall remain available for obligation for a period of 3 fiscal years after the fiscal year in which the Secretary of Transportation is notified. The Federal share of the cost of a project carried out with funds made available under this section shall be the same as associated with the earmark.

(b) In this section, the term “earmarked amount” means—

(1) congressionally directed spending, as defined in rule XLIV of the Standing Rules of the Senate, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration; or

(2) a congressional earmark, as defined in rule XXI of the Rules of the House of Representatives, identified in a prior law, report, or joint explanatory statement, which was authorized to be appropriated or appropriated more than 10 fiscal years prior to the current fiscal year, and administered by the Federal Highway Administration.

(c) The authority under subsection (a) may be exercised only for those projects or activities that have obligated less than 10 percent of the amount made available for obligation as of October 1 of the current fiscal year, and shall be applied to projects within the same general geographic area within 5 miles for which the funding was designated, except that a State or territory may apply such authority to unexpended balances of funds from projects or activities the State or territory certifies have been closed and for which payments have been made under a final voucher.

(d) The Secretary shall submit consolidated reports of the information provided by the States and territories each quarter to the House and Senate Committees on Appropriations.

SEC. 126. The following are repealed:

(1) Section 352 of the National Highway System Designation Act of 1995 (Public Law 104-59, 109 Stat. 568).

(2) Section 324 of the Department of Transportation and Related Agencies Appropriations Act, 1986 (Public Law 99-190; 99 Stat. 1288).

(3) Section 325 of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104-50; 109 Stat. 456).

Notwithstanding any other provision of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall be collected for any such vehicles exiting from such bridge in both Staten Island and Brooklyn.

SEC. 127. Section 125(d) of title 23, United States Code, is amended by striking paragraph (4).

SEC. 128. Until final guidance is published, the Administrator of the Federal Highway Administration shall make determinations on Buy America waivers for those waivers that were submitted before April 17, 2018, as if the notice of proposed rulemaking of that date was not in effect.

SEC. 129. Section 1948 of SAFETEA-LU (Public Law 109-59; 119 Stat. 1514) is repealed.

SEC. 129A. Section 119(e)(5) of title 23, United States Code, is amended to read as follows:

“(5) REQUIREMENT FOR PLAN.—

“(A) IN GENERAL.—Notwithstanding section 120, beginning on October 1, 2019, and each fiscal year thereafter, if the Secretary determines



that a State has not developed and implemented a State asset management plan consistent with this section, the Federal share payable on account of any project or activity for which funds are obligated by the State in that fiscal year under this section shall be 65 percent.

“(B) DETERMINATION.—The Secretary shall make the determination under subparagraph (A) not later than the day before the beginning of each fiscal year.”.

FEDERAL MOTOR CARRIER SAFETY  
ADMINISTRATION

MOTOR CARRIER SAFETY OPERATIONS AND  
PROGRAMS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in the implementation, execution and administration of motor carrier safety operations and programs pursuant to section 31110 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$288,000,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account), together with advances and reimbursements received by the Federal Motor Carrier Safety Administration, the sum of which shall remain available until expended: Provided, That funds available for implementation, execution, or administration of motor carrier safety operations and programs authorized under title 49, United States Code, shall not exceed total obligations of \$288,000,000 for “Motor Carrier Safety Operations and Programs” for fiscal year 2020, of which \$9,073,000 to remain available for obligation until September 30, 2022, is for the research and technology program.

MOTOR CARRIER SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out sections 31102, 31103, 31104, and 31313 of title 49, United States Code, as amended by the Fixing America's Surface Transportation Act, \$388,800,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That funds available for the implementation or execution of motor carrier safety programs shall not exceed total obligations of \$388,800,000 in fiscal year 2020 for “Motor Carrier Safety Grants”: Provided further, That of the sums appropriated under this heading:

(1) \$308,700,000 shall be available for the motor carrier safety assistance program;

(2) \$33,200,000 shall be available for the commercial driver's license program implementation program;

(3) \$44,900,000 shall be available for the high priority activities program; and

(4) \$2,000,000 shall be made available for commercial motor vehicle operators grants, of which \$1,000,000 is to be made available from prior year unobligated contract authority provided for Motor Carrier Safety grants in the Transportation Equity Act for the 21st Century (Public Law 105-178), SAFETEA-LU (Public Law 109-59), or other appropriations or authorization Acts.

ADMINISTRATIVE PROVISIONS—FEDERAL MOTOR  
CARRIER SAFETY ADMINISTRATION

SEC. 130. The Federal Motor Carrier Safety Administration shall send notice of 49 C.F.R. section 385.308 violations by certified mail, registered mail, or another manner of delivery, which records the receipt of the notice by the persons responsible for the violations.

SEC. 131. None of the funds appropriated or otherwise made available to the Department of Transportation by this Act or any other Act

may be obligated or expended to implement, administer, or enforce the requirements of section 31137 of title 49, United States Code, or any regulation issued by the Secretary pursuant to such section, with respect to the use of electronic logging devices by operators of commercial motor vehicles, as defined in section 31132(1) of such title, transporting livestock as defined in section 602 of the Emergency Livestock Feed Assistance Act of 1988 (7 U.S.C. 1471) or insects.

SEC. 132. The Federal Motor Carrier Safety Administration shall update annual inspection regulations under Appendix G to subchapter B of chapter III of title 49, Code of Federal Regulations, to require that rear underride guards be inspected annually.

SEC. 133. No funds made available by this or any other Act may be obligated or expended under the authority in 49 U.S.C. 31141(c) to review and issue a decision on a petition to preempt State meal and rest break laws that may differ from those in 49 C.F.R. 395.

SEC. 134. Notwithstanding any restriction under part II of subtitle B of title V of the FAST Act, not later than 6 months after enactment of this Act, the Administrator of the Federal Motor Carrier Safety Administration shall make available on a public website information regarding analysis of violations developed under the agency's Compliance, Safety, Accountability program, consistent with the data that the agency made publicly available immediately before December 4, 2015.

SEC. 135. None of the funds made available in this Act may be used to promulgate or enforce a rule that eliminates the 30 minute rest break specified in part 395 of title 49, Code of Federal Regulations, as it was in operational effect on May 15, 2019.

NATIONAL HIGHWAY TRAFFIC SAFETY  
ADMINISTRATION

OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety authorized under chapter 301 and part C of subtitle VI of title 49, United States Code, \$214,073,440, to remain available until September 30, 2021, except that \$40,000,000 shall remain available through September 30, 2022, and no less than \$18,500,000 shall be for research on Automated Driving Systems, Advanced Driver Assistance Systems, and vehicle electronics and cybersecurity.

OPERATIONS AND RESEARCH

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, section 4011 of the Fixing America's Surface Transportation Act (Public Law 114-94), and chapter 303 of title 49, United States Code, \$155,300,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account) and to remain available until expended: Provided, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2020, are in excess of \$155,300,000: Provided further, That of the sums appropriated under this heading:

(1) \$149,800,000 shall be for programs authorized under 23 U.S.C. 403, including behavioral research on Automated Driving Systems and Advanced Driver Assistance Systems and improving consumer responses to safety recalls, and section 4011 of the Fixing America's Surface Transportation Act (Public Law 114-94); and

(2) \$5,500,000 shall be for the National Driver Register authorized under chapter 303 of title 49, United States Code:

Provided further, That within the \$155,300,000 obligation limitation for operations and re-

search, \$20,000,000 shall remain available until September 30, 2021, and shall be in addition to the amount of any limitation imposed on obligations for future years.

HIGHWAY TRAFFIC SAFETY GRANTS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out provisions of 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act, to remain available until expended, \$623,017,000, to be derived from the Highway Trust Fund (other than the Mass Transit Account): Provided, That none of the funds in this Act shall be available for the planning or execution of programs for which the total obligations in fiscal year 2020 are in excess of \$623,017,000 for programs authorized under 23 U.S.C. 402, 404, and 405, and section 4001(a)(6) of the Fixing America's Surface Transportation Act: Provided further, That of the sums appropriated under this heading:

(1) \$279,800,000 shall be for “Highway Safety Programs” under 23 U.S.C. 402;

(2) \$285,900,000 shall be for “National Priority Safety Programs” under 23 U.S.C. 405;

(3) \$30,500,000 shall be for the “High Visibility Enforcement Program” under 23 U.S.C. 404; and

(4) \$26,817,000 shall be for “Administrative Expenses” under section 4001(a)(6) of the Fixing America's Surface Transportation Act:

Provided further, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local or private buildings or structures: Provided further, That not to exceed \$500,000 of the funds made available for “National Priority Safety Programs” under 23 U.S.C. 405 for “Impaired Driving Countermeasures” (as described in subsection (d) of that section) shall be available for technical assistance to the States: Provided further, That with respect to the “Transfers” provision under 23 U.S.C. 405(a)(8), any amounts transferred to increase the amounts made available under section 402 shall include the obligation authority for such amounts: Provided further, That the Administrator shall notify the House and Senate Committees on Appropriations of any exercise of the authority granted under the previous proviso or under 23 U.S.C. 405(a)(8) within 5 days.

ADMINISTRATIVE PROVISIONS—NATIONAL  
HIGHWAY TRAFFIC SAFETY ADMINISTRATION

SEC. 140. An additional \$130,000 shall be made available to the National Highway Traffic Safety Administration, out of the amount limited for section 402 of title 23, United States Code, to pay for travel and related expenses for State management reviews and to pay for core competency development training and related expenses for highway safety staff.

SEC. 141. The limitations on obligations for the programs of the National Highway Traffic Safety Administration set in this Act shall not apply to obligations for which obligation authority was made available in previous public laws but only to the extent that the obligation authority has not lapsed or been used.

SEC. 142. None of the funds made available by this Act may be used to mandate global positioning system (GPS) tracking in private passenger motor vehicles without providing full and appropriate consideration of privacy concerns under 5 U.S.C. chapter 5, subchapter II.

SEC. 143. In addition to the amounts made available under the heading, “Operations and Research (Liquidation of Contract Authorization) (Limitation on Obligations) (Highway Trust Fund)” for carrying out the provisions of section 403 of title 23, United States Code, \$17,000,000, to remain available until September 30, 2021, shall be made available to the National Highway Traffic Safety Administration from the general fund: Provided, That of the sums provided under this provision—

(a) not to exceed \$7,000,000 shall be available to provide funding for grants, pilot program activities, and innovative solutions to reduce impaired-driving fatalities in collaboration with eligible entities under section 403 of title 23, United States Code; and

(b) not to exceed \$10,000,000 shall be available to continue a high visibility enforcement paid-media campaign regarding highway-rail grade crossing safety in collaboration with the Federal Railroad Administration.

SEC. 144. An additional \$500,000 shall be made available to the National Highway Traffic Safety Administration for a study to identify and examine child-specific safety considerations in vehicles equipped with Automated Driving Systems, particularly those that can be operated bidirectionally and offer unconventional seating. The study should also incorporate safety considerations for child restraint system (CRS) installation and promoting CRS usage for ride-share programs, and the risks associated with unattended child passengers in Automated Driving Systems-equipped vehicles. Upon completion of this study, the National Highway Traffic Safety Administration shall submit to the House and Senate Committees on Appropriations a report containing its findings, including detailing how the agency is coordinating with manufacturers to ensure children are protected in vehicles equipped with Automated Driving Systems.

SEC. 145. None of the funds appropriated or otherwise made available in this Act or any other Act may be used to finalize or enforce a proposed rule published by the National Highway Traffic Safety Administration and the Environmental Protection Agency on August 2, 2018, entitled "The Safer Affordable Fuel-Efficient Vehicles Rule" or any other successor rule.

SEC. 146. None of the funds in this Act or any other Act shall be used to enforce the requirements of 23 U.S.C. 405(a)(9).

#### FEDERAL RAILROAD ADMINISTRATION SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, \$226,698,000, of which \$20,000,000 shall remain available until expended.

#### RAILROAD RESEARCH AND DEVELOPMENT

For necessary expenses for railroad research and development, \$41,600,000, to remain available until expended.

#### RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

The Secretary of Transportation is authorized to issue direct loans and loan guarantees pursuant to sections 501 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, such authority shall exist as long as any such direct loan or loan guarantee is outstanding.

#### FEDERAL-STATE PARTNERSHIP FOR STATE OF GOOD REPAIR

For necessary expenses related to Federal-State Partnership for State of Good Repair Grants as authorized by section 24911 of title 49, United States Code, \$350,000,000, to remain available until expended: Provided, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 24911 of title 49, United States Code: Provided further, That the Secretary shall issue the Notice of Funding Opportunity for funds provided under this heading consistent with section 24911 of title 49, United States Code, no later than 30 days after enactment of this Act: Provided further, That the Secretary shall review all applications received in response to the Notice of Funding Opportunity required in the previous proviso: Provided further, That the Secretary shall announce the selection of projects to receive awards for the funds described in the previous two provisos no later than 180 days after enactment of this Act.

#### CONSOLIDATED RAIL INFRASTRUCTURE AND SAFETY IMPROVEMENTS

For necessary expenses related to Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 22907 of title 49, United States Code, \$350,000,000, to remain available until expended: Provided, That of the sums appropriated under this heading—

(1) \$40,000,000 shall be available for projects eligible under section 22907(c)(5) of title 49, United States Code, for projects for commuter authorities, as defined as section 24102(2) of title 49, United States Code, that experienced at least one accident investigated by the National Transportation Safety Board between January 1, 2008, and December 31, 2018; and

(2) \$55,000,000 shall be available for projects eligible under section 22907(c)(2) of title 49, United States Code, that require the acquisition of rights-of-way, track, or track structure to support the development of new intercity passenger rail service routes:

Provided further, That section 22905(f) of title 49, United States Code, shall not apply to projects for commuter authorities in the first proviso: Provided further, That section 22905(f) of title 49, United States Code, shall not apply to projects for the implementation of positive train control systems otherwise eligible under section 22907(c)(1) of title 49, United States Code: Provided further, That amounts available under this heading for projects selected for commuter rail passenger transportation may be transferred by the Secretary, after selection, to the appropriate agencies to be administered in accordance with chapter 53 of title 49, United States Code: Provided further, That for amounts available under this heading eligible recipients under section 22907(b) of title 49, United States Code, shall include any non-profit association representing Class II railroads and Class III railroads (as those terms are defined in section 20102 of title 49, United States Code) and any holding company of a Class II railroad or Class III railroad (as those terms are defined in section 20102 of title 49, United States Code): Provided further, That the Secretary shall not limit eligible projects from consideration for funding for planning, engineering, environmental, construction, and design elements of the same project in the same application: Provided further, That unobligated balances remaining after 4 years from the date of enactment may be used for any eligible project under section 22907(c) of title 49, United States Code: Provided further, That the Secretary may withhold up to one percent of the amount provided under this heading for the costs of award and project management oversight of grants carried out under section 22907 of title 49, United States Code: Provided further, That the Secretary shall issue the Notice of Funding Opportunity for funds provided under this heading no later than 30 days after enactment of this Act: Provided further, That such Notice of Funding Opportunity shall require application submissions 60 days after the publishing of such Notice: Provided further, That the Secretary shall announce the selection of projects to receive awards for the funds in the previous two provisos no later than 180 days after enactment of this Act.

#### MAGNETIC LEVITATION TECHNOLOGY DEPLOYMENT PROGRAM

For necessary expenses related to the deployment of magnetic levitation transportation projects, consistent with language in 1307(a) through (c) of Public Law 109-59, as amended by section 102 of Public Law 110-244 (section 322 of title 23, United States Code), \$10,000,000, to remain available until expended.

#### NORTHEAST CORRIDOR GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the Northeast Corridor as authorized by section

11101(a) of the Fixing America's Surface Transportation Act (division A of Public Law 114-94), \$700,000,000, to remain available until expended: Provided, That the Secretary may retain up to one-half of 1 percent of the funds provided under both this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading to fund the costs of project management and oversight of activities authorized by section 11101(c) of division A of Public Law 114-94: Provided further, That in addition to the project management oversight funds authorized under section 11101(c) of division A of Public Law 114-94, the Secretary may retain up to an additional \$5,000,000 of the funds provided under this heading to fund expenses associated with the Northeast Corridor Commission established under section 24905 of title 49, United States Code: Provided further, That of the amounts made available under this heading and the "National Network Grants to the National Railroad Passenger Corporation" heading, not less than \$50,000,000 shall be made available to bring Amtrak-served facilities and stations into compliance with the Americans with Disabilities Act.

#### NATIONAL NETWORK GRANTS TO THE NATIONAL RAILROAD PASSENGER CORPORATION

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation for activities associated with the National Network as authorized by section 11101(b) of the Fixing America's Surface Transportation Act (division A of Public Law 114-94), \$1,291,600,000, to remain available until expended: Provided, That the Secretary may retain up to an additional \$2,000,000 of the funds provided under this heading to fund expenses associated with the State-Supported Route Committee established under section 24712 of title 49, United States Code.

#### ADMINISTRATIVE PROVISIONS—FEDERAL RAILROAD ADMINISTRATION

SEC. 150. None of the funds provided to the National Railroad Passenger Corporation may be used to fund any overtime costs in excess of \$35,000 for any individual employee: Provided, That the President of Amtrak may waive the cap set in the previous proviso for specific employees when the President of Amtrak determines such a cap poses a risk to the safety and operational efficiency of the system: Provided further, That the President of Amtrak shall report to the House and Senate Committees on Appropriations within 60 days of enactment of this Act, a summary of all overtime payments incurred by the Corporation for 2019 and the three prior calendar years: Provided further, That such summary shall include the total number of employees that received waivers and the total overtime payments the Corporation paid to those employees receiving waivers for each month for 2019 and for the three prior calendar years.

SEC. 151. None of the funds provided to the National Railroad Passenger Corporation under the headings "Northeast Corridor Grants to the National Railroad Passenger Corporation" and "National Network Grants to the National Railroad Passenger Corporation" may be used to reduce the size of the Amtrak Police Department below the staffing level on May 1, 2019.

#### FEDERAL TRANSIT ADMINISTRATION ADMINISTRATIVE EXPENSES

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, \$117,000,000, of which \$15,000,000 shall remain available until September 30, 2021, and up to \$1,000,000 shall be available to carry out the provisions of section 5326 of such title: Provided, That upon submission to the Congress of the fiscal year 2021 President's budget, the Secretary of Transportation shall transmit to Congress the annual report on Capital Investment Grants, including proposed allocations for fiscal year 2021.

TRANSIT FORMULA GRANTS  
(LIQUIDATION OF CONTRACT AUTHORIZATION)  
(LIMITATION ON OBLIGATIONS)  
(HIGHWAY TRUST FUND)

For payment of obligations incurred in the Federal Public Transportation Assistance Program in this account, and for payment of obligations incurred in carrying out the provisions of 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112-141, and section 3006(b) of the Fixing America's Surface Transportation Act, \$10,800,000,000, to be derived from the Mass Transit Account of the Highway Trust Fund and to remain available until expended: Provided, That funds available for the implementation or execution of programs authorized under 49 U.S.C. 5305, 5307, 5310, 5311, 5312, 5314, 5318, 5329(e)(6), 5335, 5337, 5339, and 5340, as amended by the Fixing America's Surface Transportation Act, section 20005(b) of Public Law 112-141, and section 3006(b) of the Fixing America's Surface Transportation Act, shall not exceed total obligations of \$10,150,348,462 in fiscal year 2020: Provided further, That the Federal share of the cost of activities carried out under 49 U.S.C. section 5312 shall not exceed 80 percent, except that if there is substantial public interest or benefit, the Secretary may approve a greater Federal share: Provided further, That in addition to the amounts appropriated for purposes of 49 U.S.C. 5338(e), not less than 2 percent of the funds appropriated or available for the purposes of 49 U.S.C. 5338(f) shall be available for the purposes of 49 U.S.C. 5338(e).

TRANSIT INFRASTRUCTURE GRANTS

For an additional amount for buses and bus facilities grants under section 5339 of title 49, United States Code, state of good repair grants under section 5337 of such title, the bus testing facilities under sections 5312 and 5318 of such title, and for grants to areas of persistent poverty, \$750,000,000, to remain available until expended: Provided, That of the sums provided under this heading:

(1) \$389,000,000 shall be available for the buses and bus facilities competitive grants as authorized under section 5339(b) of such title: Provided further, That the minimum grant award shall be not less than \$1,000,000;

(2) \$94,000,000 shall be available for the low or no emission grants as authorized under section 5339(c) of such title: Provided further, That the minimum grant award shall be not less than \$1,500,000;

(3) \$250,000,000 shall be available for the state of good repair grants as authorized under section 5337 of such title;

(4) \$1,000,000 shall be available for the bus testing facility as authorized under section 5318 of such title;

(5) Notwithstanding section 5318(a) of such title, \$6,000,000 shall be available for the operation and maintenance of bus testing facilities by institutions of higher education selected pursuant to section 5312(h); and

(6) \$10,000,000 shall be available for competitive grants to eligible entities to assist areas of persistent poverty:

Provided further, That the Secretary shall enter into a contract or cooperative agreement with, or make a grant to, each institution of higher education selected pursuant to section 5312(h) of such title, to operate and maintain a facility to conduct the testing of low or no emission vehicle new bus models using the standards established pursuant to section 5318(e)(2) of such title: Provided further, That the term "low or no emission vehicle" has the meaning given the term in section 5312(e)(6) of such title: Provided further, That the Secretary shall pay 80 percent of the cost of testing a low or no emission vehicle new bus model at each selected institution of higher education: Provided further, That the entity

having the vehicle tested shall pay 20 percent of the cost of testing: Provided further, That a low or no emission vehicle new bus model tested that receives a passing aggregate test score in accordance with the standards established under section 5318(e)(2) of such title, shall be deemed to be in compliance with the requirements of section 5318(e) of such title: Provided further, That areas of persistent poverty means any county that has consistently had 20 percent or more of the population living in poverty over the 30 years preceding the date of enactment of this Act, as measured by the 1990 and 2000 decennial census and the most recent Small Area Income and Poverty Estimates, or any census tract with a poverty rate of at least 20 percent as measured by the 2013-2017 five-year data series available from the American Community Survey of the Census Bureau: Provided further, That grants shall be for planning, engineering, or development of technical, or financing plans for projects eligible under chapter 53 of title 49, United States Code: Provided further, That eligible entities are those defined as eligible recipients or subrecipients under sections 5307, 5310 or 5311 of title 49 United States Code, and are in areas of persistent poverty: Provided further, That the Federal Transit Administration should complete outreach to such counties and the Departments of Transportation within applicable States via personal contact, webinars, web materials and other appropriate methods determined by the Administrator: Provided further, That State departments of transportation may apply on behalf of eligible entities within their States: Provided further, That the Federal Transit Administration should encourage grantees to work with non-profits or other entities of their choosing in order to develop planning, technical, engineering, or financing plans: Provided further, That the Federal Transit Administration should encourage grantees to partner with non-profits that can assist with making projects low or no emissions: Provided further, That projects funded as a result of activities funded under this heading shall be for not less than 90 percent of the net total project cost: Provided further, That amounts made available by this heading shall be derived from the general fund: Provided further, That the amounts made available under this heading shall not be subject to any limitation on obligations for transit programs set forth in any Act.

TECHNICAL ASSISTANCE AND TRAINING

For necessary expenses to carry out 49 U.S.C. 5314, \$5,000,000, to remain available until September 30, 2021, of which not less than \$2,500,000 shall be for a cooperative agreement through which the Federal Transit Administration assists transit recipients with frontline workforce development and standards based training in maintenance and operations through an agreement with a national nonprofit organization with a demonstrated capacity to develop and provide such programs through labor management partnerships and apprenticeships: Provided, That the assistance provided under this heading does not duplicate the activities of 49 U.S.C. 5311(b) or 49 U.S.C. 5312.

CAPITAL INVESTMENT GRANTS

For necessary expenses to carry out fixed guideway capital investment grants under section 5309 of title 49, United States Code, and section 3005(b) of the Fixing America's Surface Transportation Act, \$2,301,785,760, to remain available until September 30, 2024: Provided, That of the amounts made available under this heading, \$1,841,428,608 shall be obligated by December 31, 2021, but shall remain available until September 30, 2024, as specified under this heading: Provided further, That of the amounts made available under this heading:

(1) \$795,290,221 shall be available for fixed guideway projects that have executed full funding grant agreements, authorized under subsection (d) of section 5309;

(2) \$702,709,779 shall be available for new projects authorized under 5309(d) of title 49, United States Code;

(3) \$300,000,000 shall be available for projects authorized under section 5309(e) of title 49, United States Code;

(4) \$430,768,910 shall be available for projects authorized under section 5309(h) of title 49, United States Code; and

(5) \$50,000,000 shall be available for projects authorized under section 3005(b) of the Fixing America's Surface Transportation Act:

Provided further, That the Secretary shall continue to administer the capital investment grants program in accordance with the procedural and substantive requirements of section 5309 of title 49, United States Code, and to administer the Expedited Delivery Pilot Program with the procedural and substantive requirements of section 3005(b) of the Fixing America's Surface Transportation Act: Provided further, That any funds remaining from the \$1,841,428,608 that are required to be obligated by the first proviso under this heading and that remain available on December 31, 2021 shall be reallocated to applicants with projects in Engineering on that date, as defined by 49 U.S.C. 5309(d)(2) and (e)(2) for activities eligible under 49 U.S.C. 5309(b), and upon reallocation shall be available for immediate obligation: Provided further, That each applicant's share of such funds shall be distributed to the projects in Engineering based on the individual project's requested Capital Investment Grant amount as a percentage of the total Capital Investment Grant funds requested by the group of projects in Engineering under subsections (d)(2) and (e)(2) of 49 United States Code 5309 on December 31, 2021: Provided further, That not later than 90 days after enactment of this Act, the Federal Transit Administration shall provide the House and Senate Committees on Appropriations a list of projects to which the agency expects to award a full-funding grant agreement in fiscal year 2020, and upon submission of the fiscal year 2021 budget, the Federal Transit Administration shall provide such information for 2021.

GRANTS TO THE WASHINGTON METROPOLITAN  
AREA TRANSIT AUTHORITY

For grants to the Washington Metropolitan Area Transit Authority as authorized under section 601 of division B of Public Law 110-432, \$150,000,000, to remain available until expended: Provided, That the Secretary of Transportation shall approve grants for capital and preventive maintenance expenditures for the Washington Metropolitan Area Transit Authority only after receiving and reviewing a request for each specific project: Provided further, That prior to approving such grants, the Secretary shall certify that the Washington Metropolitan Area Transit Authority is making progress to improve its safety management system in response to the Federal Transit Administration's 2015 safety management inspection: Provided further, That the Secretary shall determine that the Washington Metropolitan Area Transit Authority has placed the highest priority on those investments that will improve the safety of the system before approving such grants: Provided further, That the Secretary, in order to ensure safety throughout the rail system, may waive the requirements of section 601(e)(1) of division B of Public Law 110-432.

ADMINISTRATIVE PROVISIONS—FEDERAL TRANSIT  
ADMINISTRATION

SEC. 160. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 161. Notwithstanding any other provision of law, funds appropriated or limited by this Act under the heading "Fixed Guideway Capital Investment" of the Federal Transit Administration for projects specified in this Act or identified in

reports accompanying this Act not obligated by September 30, 2024, and other recoveries, shall be directed to projects eligible to use the funds for the purposes for which they were originally provided.

SEC. 162. Notwithstanding any other provision of law, any funds appropriated before October 1, 2018, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure, may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 163. In the first proviso under the title "Capital Investment Grants" in the Consolidated Appropriations Act of 2018, Public Law 115-141, strike, "December 31, 2019" and insert, "September 30, 2020".

SEC. 164. No funds in this or any other Act shall be used:

(a) to adjust apportionments or withhold funds from apportionments pursuant to 26 U.S.C. 9503(e)(4);

(b) to request or require any project to have a maximum Capital Investment Grant contribution lower than 50 percent of the total project cost;

(c) to determine a maximum Capital Investment Grant contribution for projects defined under 49 U.S.C. 5309(a)(2) or 49 U.S.C. 5309 (a)(5) until at least 180 days after a project has entered into the Engineering phase; and

(d) by the Federal Transit Administration when making a determination about whether a project sponsor's cost estimate is reasonable, to require a probability higher than 50 percent that a project can be completed within that cost estimate: Provided, That this proviso only applies to those applications that are in the "project development" phase as defined under subsections (d)(1), (e)(1), or (h)(2) of 49 U.S.C. 5309, or the "Engineering" phase as defined under subsections (d)(2) or (e)(2) of 49 U.S.C. 5309 on the date of enactment of this Act.

SEC. 165. An eligible recipient of a grant under 5339(c) may submit an application in partnership with other entities, including a transit vehicle manufacturer, that intend to participate in the implementation of a project under 5339(c) of title 49, United States Code and a project awarded with such partnership shall be treated as satisfying the requirement for a competitive procurement under Section 5325(a) of title 49, United States Code, for the named entity.

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations, as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses to conduct the operations, maintenance, and capital asset renewal activities on those portions of the Saint Lawrence Seaway owned, operated, and maintained by the Saint Lawrence Seaway Development Corporation, \$40,000,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662: Provided, That of the amounts made available under this heading, not less than \$16,000,000 shall be used on capital asset renewal activities.

#### MARITIME ADMINISTRATION MARITIME SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$300,000,000, to remain available until expended.

#### OPERATIONS AND TRAINING (INCLUDING TRANSFER OF FUNDS)

For necessary expenses of operations and training activities authorized by law, \$154,442,000: Provided, That of the sums appropriated under this heading—

(1) \$77,944,000 shall remain available until September 30, 2021 for the operations of the United States Merchant Marine Academy;

(2) \$5,225,000 shall remain available until expended for the maintenance and repair, equipment, and capital improvements at the United States Merchant Marine Academy;

(3) \$3,000,000 shall remain available until September 30, 2021 for the Maritime Environment and Technology Assistance program authorized under section 50307 of title 46, United States Code; and

(4) \$15,000,000, shall remain available until expended for the Short Sea Transportation Program (America's Marine Highways) to make grants for the purposes authorized under sections 55601(b)(1) and (3) of title 46, United States Code:

Provided further, That not later than 120 days after enactment of this Act, the Administrator of the Maritime Administration shall transmit to the House and Senate Committees on Appropriations the annual report on sexual assault and sexual harassment at the United States Merchant Marine Academy as required pursuant to section 3507 of Public Law 110-417: Provided further, That available balances under this heading for the Short Sea Transportation Program (America's Marine Highways) from prior year recoveries shall be available to carry out activities authorized under sections 55601(b)(1) and (3) of title 46, United States Code: Provided further, That from funds provided under (3) and (4) of the first proviso, the Secretary of Transportation shall make grants no later than 180 days after enactment of this Act in such amounts as the Secretary determines: Provided further, That any unobligated balances available from previous appropriations for programs and activities supporting State Maritime Academies shall be transferred to and merged with the appropriations for "Maritime Administration, State Maritime Academy Operations" and shall be made available for the same purposes.

#### STATE MARITIME ACADEMY OPERATIONS

For necessary expenses of operations, support and training activities for State Maritime Academies, \$345,200,000: Provided, That of the sums appropriated under this heading—

(1) \$33,000,000, to remain available until expended, shall be for maintenance, repair, life extension, and capacity improvement of National Defense Reserve Fleet training ships in support of State Maritime Academies, of which up to \$8,060,000, to remain available until expended, shall be for expenses related to training mariners for costs associated with training vessel sharing pursuant to 46 U.S.C. 51504(g)(3) for costs associated with mobilizing, operating and demobilizing the vessel, including travel costs for students, faculty and crew, the costs of the general agent, crew costs, fuel, insurance, operational fees, and vessel hire costs, as determined by the Secretary;

(2) \$300,000,000, to remain available until expended, shall be for the National Security Multi-Mission Vessel Program, including funds for construction, planning, administration, and design of school ships;

(3) \$2,400,000 shall remain available through September 30, 2021, for the Student Incentive Program;

(4) \$3,800,000 shall remain available until expended for training ship fuel assistance; and

(5) \$6,000,000 shall remain available until September 30, 2021, for direct payments for State Maritime Academies.

#### ASSISTANCE TO SMALL SHIPYARDS

To make grants to qualified shipyards as authorized under section 54101 of title 46, United

States Code, as amended by Public Law 113-281, \$20,000,000, to remain available until expended.

#### SHIP DISPOSAL

For necessary expenses related to the disposal of obsolete vessels in the National Defense Reserve Fleet of the Maritime Administration, \$5,000,000, to remain available until expended.

#### MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

#### (INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the guaranteed loan program, \$3,000,000, which shall be transferred to and merged with the appropriations for "Operations and Training", Maritime Administration.

#### PORT INFRASTRUCTURE DEVELOPMENT PROGRAM

To make grants to improve port facilities as authorized under section 50302 of title 46, United States Code, \$225,000,000 to remain available until expended: Provided, That projects eligible for funding provided under this heading shall be projects for coastal seaports or Great Lakes ports: Provided further, That the Maritime Administration shall distribute funds provided under this heading as discretionary grants to port authorities or commissions or their subdivisions and agents under existing authority, as well as to a State or political subdivision of a State or local government, a tribal government, a public agency or publicly chartered authority established by one or more States, a special purpose district with a transportation function, a multistate or multijurisdictional group of entities, or a lead entity described above jointly with a private entity or group of private entities: Provided further, That projects eligible for funding provided under this heading shall be either within the boundary of a port, or outside the boundary of a port, and directly related to port operations or to an intermodal connection to a port that will improve the safety, efficiency, or reliability of the movement of goods into, out of, around, or within a port, as well as the unloading and loading of cargo at a port: Provided further, That the Federal share of the costs for which an expenditure is made under this heading shall be up to 80 percent: Provided further, That not to exceed 2 percent of the funds appropriated under this heading shall be available for necessary costs of grant administration: Provided further, That the proceeds of Federal credit assistance under chapter 6 of title 23, United States Code or sections 501 through 504 of the Railroad and Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210), as amended, shall be considered to be part of the non-Federal share of project costs if the loan is repayable from non-Federal funds, unless otherwise requested by the project sponsor: Provided further, That a grant award made under this heading may not be used to purchase fully-automated cargo handling equipment or to otherwise facilitate fully-automated cargo handling: Provided further, That for the purposes of the previous proviso, fully-automated cargo handling means using equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control.

#### ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

SEC. 170. Notwithstanding any other provision of this Act, in addition to any existing authority, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration: Provided, That payments received therefor shall be credited to the appropriation charged with the cost thereof and shall remain available until expended: Provided further, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

PIPELINE AND HAZARDOUS MATERIALS SAFETY  
ADMINISTRATION

OPERATIONAL EXPENSES

For necessary operational expenses of the Pipeline and Hazardous Materials Safety Administration, \$23,710,000, of which \$1,500,000 shall remain available until September 30, 2022: Provided, That the Secretary of Transportation shall issue final rules as required under section 5(f), section 21(c), and section 23(a) of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112-90) no later than 180 days after enactment of this Act: Provided further, That no later than 90 days after enactment of this Act, the Secretary of Transportation shall initiate a rulemaking on automatic and remote-controlled shut-off valves and hazardous liquid pipeline facilities leak detection systems as required under section 4 and section 8 of the Pipeline Safety, Regulatory Certainty, and Job Creation Act of 2011 (Public Law 112-90), respectively, and shall issue a final rule no later than one year after enactment of this Act.

HAZARDOUS MATERIALS SAFETY

For expenses necessary to discharge the hazardous materials safety functions of the Pipeline and Hazardous Materials Safety Administration, \$61,000,000, to remain available until September 30, 2022: Provided, That up to \$800,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: Provided further, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

PIPELINE SAFETY

(PIPELINE SAFETY FUND)

(OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, \$168,000,000, to remain available until September 30, 2022, of which \$23,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which \$137,000,000 shall be derived from the Pipeline Safety Fund; and of which \$8,000,000 shall be derived from fees collected under 49 U.S.C. 60302 and deposited in the Underground Natural Gas Storage Facility Safety Account for the purpose of carrying out 49 U.S.C. 60141: Provided, That not less than \$1,058,000 of the funds provided under this heading shall be for the One-Call State grant program.

EMERGENCY PREPAREDNESS GRANTS

(EMERGENCY PREPAREDNESS FUND)

For expenses necessary to carry out the Emergency Preparedness Grants program, not more than \$28,318,000 shall remain available until September 30, 2022, from amounts made available by 49 U.S.C. 5116(h), and 5128(b) and (c): Provided, That notwithstanding 49 U.S.C. 5116(h)(4), not more than 4 percent of the amounts made available from this account shall be available to pay administrative costs: Provided further, That notwithstanding 49 U.S.C. 5128(b) and (c) and the current year obligation limitation, prior year recoveries recognized in the current year shall be available to develop a hazardous materials response training curriculum for emergency responders, including response activities for the transportation of crude oil, ethanol and other flammable liquids by rail, consistent with National Fire Protection Association standards, and to make such training available through an electronic format: Provided further, That the prior year recoveries made available under this heading shall also be available to carry out 49 U.S.C. 5116(a)(1)(C), 5116(h), 5116(i), and 5107(e).

OFFICE OF INSPECTOR GENERAL  
SALARIES AND EXPENSES

For necessary expenses of the Office of the Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, \$96,700,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department of Transportation.

GENERAL PROVISIONS—DEPARTMENT OF  
TRANSPORTATION

SEC. 180. (a) During the current fiscal year, applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

(b) During the current fiscal year, applicable appropriations to the Department and its operating administrations shall be available for the purchase, maintenance, operation, and deployment of unmanned aircraft systems that advance the Department's, or its operating administrations', missions.

(c) Any unmanned aircraft system purchased or procured by the Department prior to the enactment of this Act shall be deemed authorized.

SEC. 181. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 182. (a) No recipient of funds made available in this Act shall disseminate personal information (as defined in 18 U.S.C. 2725(3)) obtained by a State department of motor vehicles in connection with a motor vehicle record as defined in 18 U.S.C. 2725(1), except as provided in 18 U.S.C. 2721 for a use permitted under 18 U.S.C. 2721.

(b) Notwithstanding subsection (a), the Secretary shall not withhold funds provided in this Act for any grantee if a State is in noncompliance with this provision.

SEC. 183. (a) None of the funds appropriated by this Act may be made available for salaries and expenses of more than 110 political and Presidential appointees in the Department of Transportation: Provided, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

(b) The limitation in subsection (a) shall increase to 125 political and Presidential appointees beginning on the date on which the Secretary announces the selection of projects to receive awards for each of the following competitive grants, with respect to funds made available for fiscal year 2019 for such grants:

(1) Capital investment grants as authorized and as funded under the heading "Office of the Secretary—National Infrastructure Investments" by Public Law 116-6;

(2) Grants-In-Aid for Airports as authorized by subchapter 1 of chapter 471 and subchapter 1 of chapter 475 of title 49, United States Code, and as funded under the heading "Federal Aviation Administration—Grants-in-Aid for Airports" by Public Law 116-6;

(3) Federal-State Partnership for State of Good Repair Grants, as authorized by section 24911 of title 49, United States Code, and as funded under the heading "Federal Railroad Administration—Federal-State Partnership for State of Good Repair" by Public Law 116-6;

(4) Consolidated Rail Infrastructure and Safety Improvements Grants, as authorized by section 22907 of title 49, United States Code, and as funded under the heading "Federal Railroad

Administration—Consolidated Rail Infrastructure and Safety Improvements" by Public Law 116-6;

(5) Restoration and Enhancement Grants, as authorized by section 22908 of title 49, United States Code, and as funded under the heading "Federal Railroad Administration—Restoration and Enhancement" by Public Law 116-6;

(6) Magnetic levitation transportation projects consistent with section 322 of title 23, United States Code, and as funded under the heading "Federal Railroad Administration—Magnetic Levitation Technology Deployment Program" by Public Law 116-6;

(7) Buses and bus facilities competitive grants as authorized under section 5339(b) of title 49, United States Code, and as funded under the heading "Federal Transit Administration—Transit Infrastructure Grants" by Public Law 116-6;

(8) Low or no emission grants, as authorized under section 5339(c) of title 49, United States Code, and as funded under the heading "Federal Transit Administration—Transit Infrastructure Grants" by Public Law 116-6;

(9) Grants to qualified shipyards, as authorized under section 54101 of title 46, United States Code, and as funded under the heading "Maritime Administration—Assistance to Small Shipyards" by Public Law 116-6; and

(10) Grants to improve port facilities, as authorized under section 50302 of title 46, United States Code, and as funded under the heading "Maritime Administration—Port Infrastructure Development Program" by Public Law 116-6.

SEC. 184. Funds received by the Federal Highway Administration and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 185. (a) None of the funds provided in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, or discretionary grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project competitively selected to receive any discretionary grant award, letter of intent, loan commitment, loan guarantee commitment, line of credit commitment, or full funding grant agreement is announced by the Department or its modal administrations: Provided, That the Secretary gives concurrent notification to the House and Senate Committees on Appropriations for any "quick release" of funds from the emergency relief program: Provided further, That no notification shall involve funds that are not available for obligation.

(b) In addition to the notification required in subsection (a), none of the funds made available in this Act to the Department of Transportation may be used to make a loan, loan guarantee, line of credit, cooperative agreement or discretionary grant unless the Secretary of Transportation provides the House and Senate Committees on Appropriations a comprehensive list of all such loans, loan guarantees, lines of credit, cooperative agreement or discretionary grants that will be announced not less than 3 full business days before such announcement: Provided, That the requirement to provide a list in this subsection does not apply to any "quick release" of funds from the emergency relief program: Provided further, That no list shall involve funds that are not available for obligation.

SEC. 186. Rebates, refunds, incentive payments, minor fees and other funds received by the Department of Transportation from travel management centers, charge card programs, the subleasing of building space, and miscellaneous



sources are to be credited to appropriations of the Department of Transportation and allocated to elements of the Department of Transportation using fair and equitable criteria and such funds shall be available until expended.

SEC. 187. Amounts made available in this or any prior Act that the Secretary determines represent improper payments by the Department of Transportation to a third-party contractor under a financial assistance award, which are recovered pursuant to law, shall be available—

(1) to reimburse the actual expenses incurred by the Department of Transportation in recovering improper payments: Provided, That amounts made available in this Act shall be available until expended; and

(2) to pay contractors for services provided in recovering improper payments or contractor support in the implementation of the Improper Payments Information Act of 2002, as amended by the Improper Payments Elimination and Recovery Act of 2010 and Improper Payments Elimination and Recovery Improvement Act of 2012, and Fraud Reduction and Data Analytics Act of 2015: Provided, That amounts in excess of that required for paragraphs (1) and (2)—

(A) shall be credited to and merged with the appropriation from which the improper payments were made, and shall be available for the purposes and period for which such appropriations are available: Provided further, That where specific project or accounting information associated with the improper payment or payments is not readily available, the Secretary may credit an appropriate account, which shall be available for the purposes and period associated with the account so credited; or

(B) if no such appropriation remains available, shall be deposited in the Treasury as miscellaneous receipts: Provided further, That prior to depositing such recovery in the Treasury, the Secretary shall notify the House and Senate Committees on Appropriations of the amount and reasons for such transfer: Provided further, That for purposes of this section, the term “improper payments” has the same meaning as that provided in section 2(e)(2) of Public Law 111–204.

SEC. 188. Notwithstanding any other provision of law, if any funds provided in or limited by this Act are subject to a reprogramming action that requires notice to be provided to the House and Senate Committees on Appropriations, transmission of said reprogramming notice shall be provided solely to the House and Senate Committees on Appropriations, and said reprogramming action shall be approved or denied solely by the House and Senate Committees on Appropriations: Provided, That the Secretary of Transportation may provide notice to other congressional committees of the action of the House and Senate Committees on Appropriations on such reprogramming but not sooner than 30 days following the date on which the reprogramming action has been approved or denied by the House and Senate Committees on Appropriations.

SEC. 189. Funds appropriated in this Act to the modal administrations may be obligated for the Office of the Secretary for the costs related to assessments or reimbursable agreements only when such amounts are for the costs of goods and services that are purchased to provide a direct benefit to the applicable modal administration or administrations.

SEC. 190. The Secretary of Transportation is authorized to carry out a program that establishes uniform standards for developing and supporting agency transit pass and transit benefits authorized under section 7905 of title 5, United States Code, including distribution of transit benefits by various paper and electronic media.

SEC. 191. The Department of Transportation may use funds provided by this Act, or any other Act, to assist a contract under title 49 U.S.C. or title 23 U.S.C. utilizing geographic, economic, or any other hiring preference not

otherwise authorized by law, or to amend a rule, regulation, policy or other measure that forbids a recipient of a Federal Highway Administration or Federal Transit Administration grant from imposing such hiring preference on a contract or construction project with which the Department of Transportation is assisting, only if the grant recipient certifies the following:

(a) that except with respect to apprentices or trainees, a pool of readily available but unemployed individuals possessing the knowledge, skill, and ability to perform the work that the contract requires resides in the jurisdiction;

(b) that the grant recipient will include appropriate provisions in its bid document ensuring that the contractor does not displace any of its existing employees in order to satisfy such hiring preference; and

(c) that any increase in the cost of labor, training, or delays resulting from the use of such hiring preference does not delay or displace any transportation project in the applicable Statewide Transportation Improvement Program or Transportation Improvement Program.

SEC. 192. (a) None of the funds appropriated or otherwise made available by this Act may be used to terminate a grant or cooperative agreement with the California High Speed Rail Authority, de-obligate funding associated with a grant or cooperative agreement with the California High Speed Rail Authority, or require the State of California or the California High Speed Rail Authority to repay funding previously obligated and expended.

(b) Subsection (a) shall apply to Cooperative Agreement No. FR-HSR-0009-10-01-06 and any other grant or cooperative agreement with the California High Speed Rail Authority in effect on or after enactment of this Act.

(c) Notwithstanding the Department of Transportation Appropriations Act, 2010 (Public Law 111–117), de-obligated funds associated with Cooperative Agreement No. FR-HSR-0118-12-01-01—

(1) may not be made available for any purpose until the final determination of any litigation concerning those funds; and

(2) upon the final determination of any such litigation, shall be made available only for high-speed rail projects under section 26106 of title 49, United States Code, in accordance with such section, except the Secretary of Transportation shall—

(A) issue a Notice of Funding Opportunity for such grants no later than 30 days after the final determination of such litigation;

(B) require that such Notice of Funding Opportunity shall require application submissions no later than 30 days after the issuance of such Notice;

(C) award grants no later than 60 days after the issuance of such Notice; and

(D) require applicants to provide the Secretary with completed documentation with respect to any required environmental impact statements within the application for a grant.

SEC. 193. Section 603(b) of title 23, United States Code, is amended by striking paragraph (8) and inserting the following:

“(8) NON-FEDERAL SHARE.—Notwithstanding paragraph (9) and section 117(j)(2), the proceeds of a secured loan under the TIFIA program shall be considered to be part of the non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.”

SEC. 194. Section 502(b)(3) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(b)(3)) is amended by striking “only during the 4-year period beginning on the date of enactment of the Passenger Rail Reform and Investment Act of 2015” and inserting “until September 30, 2020”.

SEC. 195. (a) None of the funds appropriated by this title may be made available to issue grants to entities that do not comply with practices for control system procurement recommended by the U.S. Department of Homeland

Security’s National Cybersecurity and Communications Integration Center.

(b) The Secretary of Transportation may waive the requirement to comply with the practices described in subsection (a) if the Secretary finds that:

(1) requiring compliance would be inconsistent with the public interest; and

(2) the Secretary notifies the House and Senate Committees on Appropriations no less than 3 days before issuing a waiver under this subsection.

This title may be cited as the “Department of Transportation Appropriations Act, 2020”.

## TITLE II

### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

#### MANAGEMENT AND ADMINISTRATION

##### EXECUTIVE OFFICES

For necessary salaries and expenses for Executive Offices, which shall be comprised of the offices of the Secretary, Deputy Secretary, Adjudicatory Services, Congressional and Intergovernmental Relations, Public Affairs, Small and Disadvantaged Business Utilization, and the Center for Faith-Based and Neighborhood Partnerships, \$14,788,000, to remain available until September 30, 2021, and of which \$4,557,000 is for the Office of the Secretary and \$2,192,000 is for the Office of Congressional and Intergovernmental Relations: Provided, That not to exceed \$20,000 of the total amount made available under this heading shall be available to the Secretary for official reception and representation expenses as the Secretary may determine: Provided further, That none of the funds made available in this title or title II of division G of Public Law 116–6 may be reprogrammed or otherwise used to increase the appropriation provided by this title for the Office of the Secretary or the Office of Congressional and Intergovernmental Relations: Provided further, That none of the funds made available by this title or any other Act may be used to detail any individual to the Office of the Secretary or the Office of Congressional and Intergovernmental Relations: Provided further, That none of the funds made available by this Act may be used to pay the salary of any individual occupying a political position in the Office of Budget: Provided further, That for the purposes of the previous proviso, the term “political position” means the following: a position described under sections 5312 through 5316 of title 5, United States Code (relating to the Executive Schedule); a noncareer appointment in the Senior Executive Service, as defined under paragraph (7) of section 3132(a) of such title; a position in the executive branch of the Government of a confidential or policy-determining character under schedule C of subpart C of part 213 of title 5, Code of Federal Regulations; or any other position that has been excepted from the competitive service by reason of its confidential, policy-determining, policy-making, or policy-advocating character.

##### ADMINISTRATIVE SUPPORT OFFICES

For necessary salaries and expenses for Administrative Support Offices, \$521,500,000, to remain available until September 30, 2021: Provided, That of the sums appropriated under this heading—

(1) not to exceed \$52,691,000 shall be for the Office of the Chief Financial Officer;

(2) not to exceed \$95,890,000 shall be for the Office of the General Counsel, of which not less than \$20,000,000 shall be for the Departmental Enforcement Center;

(3) not to exceed \$54,000,000 shall be for the Office of Field Policy and Management;

(4) not to exceed \$3,900,000 shall be for the Office of Departmental Equal Employment Opportunity;

(5) not less than \$55,019,000 shall be for the Office of the Chief Information Officer; and

(6) not to exceed \$260,000,000 shall be for the Assistant Secretary for Administration:



Provided further, That funds provided under this heading may be used for hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109: Provided further, That the Secretary shall provide the House and Senate Committees on Appropriations quarterly written notification regarding the status of pending congressional reports: Provided further, That the Secretary shall provide in electronic form all signed reports required by Congress: Provided further, That not more than 10 percent of the funds made available under this heading for the Office of Chief Financial Officer for the financial transformation initiative may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that includes the financial and internal control capabilities to be delivered and the mission benefits to be realized, key milestones to be met, and the relationship between the proposed use of funds made available under this heading and the projected total cost and scope of the initiative.

#### PROGRAM OFFICE SALARIES AND EXPENSES

For necessary salaries and expenses for Program Offices, \$849,144,000, to remain available until September 30, 2021: Provided, the amounts made available under this heading are provided as follows:

(1) not to exceed \$230,000,000 shall be available for the Office of Public and Indian Housing, of which \$10,200,000 is for (a) the Secretary of Housing and Urban Development for carrying out any authorities of such Secretary under chapter 11 of subtitle B of the Violence Against Women Act of 1994 (34 U.S.C. 12351) and subtitle N of such Act (34 U.S.C. 12471 et seq.); (b) public housing inspections and assessments as referred in paragraph (2) of the heading “Public Housing Capital Fund” in this title; and (c) public housing inspections, monitoring and oversight of activities, and other assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), title I of the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)), section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 17152–13a), and Tribal HUD–VASH program;

(2) not to exceed \$117,000,000 shall be available for the Office of Community Planning and Development, of which \$4,656,000 shall be for permanent positions for a disaster recovery workforce;

(3) not to exceed \$386,144,000 shall be available for the Office of Housing, of which not less than \$12,000,000 shall be for the Office of Recapitalization;

(4) not to exceed \$26,000,000 shall be available for the Office of Policy Development and Research;

(5) not to exceed \$80,000,000 shall be available for the Office of Fair Housing and Equal Opportunity; and

(6) not to exceed \$10,000,000 shall be available for the Office of Lead Hazard Control and Healthy Homes:

Provided further, That the unobligated balances of prior year appropriations made available under each of the accounts “Public and Indian Housing”, “Community Planning and Development”, “Housing”, “Policy Development and Research”, “Fair Housing and Equal Opportunity”, and “Office of Lead Hazard Control and Healthy Homes” under the heading “Department of Housing and Urban Development—Program Office Salaries and Expenses” shall be transferred to, and merged with, the amounts reserved for the Office of Public and Indian Housing, the Office of Community Planning and Development, the Office of Housing, the Office of Policy Development and Research, the Office of Fair Housing and Equal Opportunity, and the Office of Lead Hazard Control and Healthy Homes, respectively, under the heading “Department of Housing and Urban Development—

Program Office Salaries and Expenses” in this title.

#### WORKING CAPITAL FUND (INCLUDING TRANSFER OF FUNDS)

For the working capital fund for the Department of Housing and Urban Development (referred to in this paragraph as the “Fund”), pursuant, in part, to section 7(f) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(f)), amounts transferred, including reimbursements pursuant to section 7(f), to the Fund under this heading shall be available for Federal shared services used by offices and agencies of the Department, and for such portion of any office or agency’s printing, records management, space renovation, furniture, or supply services as the Secretary determines shall be derived from centralized sources made available by the Department to all offices and agencies and funded through the Fund: Provided, That of the amounts made available in this title for salaries and expenses under the headings “Executive Offices”, “Administrative Support Offices”, “Program Office Salaries and Expenses”, and “Government National Mortgage Association”, the Secretary shall transfer to the Fund such amounts, to remain available until expended, as are necessary to fund services, specified in the matter preceding the first proviso, for which the appropriation would otherwise have been available, and may transfer not to exceed an additional \$5,000,000, in aggregate, from all such appropriations, to be merged with the Fund and to remain available until expended for any purpose under this heading: Provided further, That amounts in the Fund shall be the only amounts available to each office or agency of the Department for the services, or portion of services, specified in the matter preceding the first proviso: Provided further, That with respect to the Fund, the authorities and conditions under this heading shall supplement the authorities and conditions provided under section 7(f).

#### PUBLIC AND INDIAN HOUSING TENANT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of tenant-based rental assistance authorized under the United States Housing Act of 1937, as amended (42 U.S.C. 1437 et seq.) (“the Act” herein), not otherwise provided for, \$19,810,000,000, to remain available until expended, shall be available on October 1, 2019 (in addition to the \$4,000,000,000 previously appropriated under this heading that shall be available on October 1, 2019), and \$4,000,000,000, to remain available until expended, shall be available on October 1, 2020: Provided, That the amounts made available under this heading are provided as follows:

(1) \$21,400,000,000 shall be available for renewals of expiring section 8 tenant-based annual contributions contracts (including renewals of enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act) and including renewal of other special purpose incremental vouchers: Provided, That notwithstanding any other provision of law, from amounts provided under this paragraph and any carryover, the Secretary for the calendar year 2020 funding cycle shall provide renewal funding for each public housing agency based on validated voucher management system (VMS) leasing and cost data for the prior calendar year and by applying an inflation factor as established by the Secretary, by notice published in the Federal Register, and by making any necessary adjustments for the costs associated with the first-time renewal of vouchers under this paragraph including tenant protection and Choice Neighborhoods vouchers: Provided further, That the Secretary shall, to the extent necessary to stay within the amount specified under this paragraph (except as otherwise modified under this paragraph), prorate each public housing agency’s allocation other-

wise established pursuant to this paragraph: Provided further, That except as provided in the following provisos, the entire amount specified under this paragraph (except as otherwise modified under this paragraph) shall be obligated to the public housing agencies based on the allocation and pro rata method described above, and the Secretary shall notify public housing agencies of their annual budget by the latter of 60 days after enactment of this Act or March 1, 2020: Provided further, That the Secretary may extend the notification period with the prior written approval of the House and Senate Committees on Appropriations: Provided further, That public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and in accordance with the requirements of the MTW program and shall be subject to the same pro rata adjustments under the previous provisos: Provided further, That the Secretary may offset public housing agencies’ calendar year 2020 allocations based on the excess amounts of public housing agencies’ net restricted assets accounts, including HUD-held programmatic reserves (in accordance with VMS data in calendar year 2019 that is verifiable and complete), as determined by the Secretary: Provided further, That public housing agencies participating in the MTW demonstration shall also be subject to the offset, as determined by the Secretary, excluding amounts subject to the single fund budget authority provisions of their MTW agreements, from the agencies’ calendar year 2020 MTW funding allocation: Provided further, That the Secretary shall use any offset referred to in the previous two provisos throughout the calendar year to prevent the termination of rental assistance for families as the result of insufficient funding, as determined by the Secretary, and to avoid or reduce the proration of renewal funding allocations: Provided further, That the Secretary may utilize unobligated balances, including recapitures and carryover, remaining from funds appropriated under this heading from prior year appropriations (excluding special purpose vouchers), notwithstanding the purposes for which such amounts were appropriated, to avoid or reduce such prorations: Provided further, That up to \$100,000,000 shall be available only: (1) for adjustments in the allocations for public housing agencies, after application for an adjustment by a public housing agency that experienced a significant increase, as determined by the Secretary, in renewal costs of vouchers resulting from unforeseen circumstances or from portability under section 8(r) of the Act; (2) for vouchers that were not in use during the previous 12-month period in order to be available to meet a commitment pursuant to section 8(o)(13) of the Act; (3) for adjustments for costs associated with HUD–Veterans Affairs Supportive Housing (HUD–VASH) vouchers; (4) for adjustments in the allocations for public housing agencies that (i) are leasing a lower-than-average percentage of their authorized vouchers, (ii) have low amounts of budget authority in their net restricted assets accounts and HUD-held programmatic reserves, relative to other agencies, and (iii) are not participating in the Moving to Work demonstration, to enable such agencies to lease more vouchers; (5) for public housing agencies that despite taking reasonable cost savings measures, as determined by the Secretary, would otherwise be required to terminate rental assistance for families as a result of insufficient funding; and (6) for public housing agencies that have experienced increased costs or loss of units in an area for which the President declared a disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 et seq.): Provided further, That the Secretary shall allocate amounts under the previous proviso based on need, as determined by the Secretary;

(2) \$150,000,000 shall be for section 8 rental assistance for relocation and replacement of housing units that are demolished or disposed of pursuant to section 18 of the Act, conversion of section 23 projects to assistance under section 8, the family unification program under section 8(x) of the Act, relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency, enhanced vouchers under any provision of law authorizing such assistance under section 8(t) of the Act, HOPE VI and Choice Neighborhood vouchers, mandatory and voluntary conversions, and tenant protection assistance including replacement and relocation assistance or for project-based assistance to prevent the displacement of unassisted elderly tenants currently residing in section 202 properties financed between 1959 and 1974 that are refinanced pursuant to Public Law 106-569, as amended, or under the authority as provided under this Act: Provided, That when a public housing development is submitted for demolition or disposition under section 18 of the Act, the Secretary may provide section 8 rental assistance when the units pose an imminent health and safety risk to residents: Provided further, That the Secretary shall provide replacement vouchers for all units that cease to be available as assisted housing, subject only to the availability of funds: Provided further, That of the amounts made available under this paragraph, \$5,000,000 may be available to provide tenant protection assistance, not otherwise provided under this paragraph, to residents residing in low vacancy areas and who may have to pay rents greater than 30 percent of household income, as the result of: (A) the maturity of a HUD-insured, HUD-held or section 202 loan that requires the permission of the Secretary prior to loan prepayment; (B) the expiration of a rental assistance contract for which the tenants are not eligible for enhanced voucher or tenant protection assistance under existing law; or (C) the expiration of affordability restrictions accompanying a mortgage or preservation program administered by the Secretary: Provided further, That such tenant protection assistance made available under the previous proviso may be provided under the authority of section 8(t) or section 8(o)(13) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)): Provided further, That the Secretary shall issue guidance to implement the previous provisos, including, but not limited to, requirements for defining eligible at-risk households within 60 days of the enactment of this Act: Provided further, That any tenant protection voucher made available from amounts under this paragraph shall not be reissued by any public housing agency, except the replacement vouchers as defined by the Secretary by notice, when the initial family that received any such voucher no longer receives such voucher, and the authority for any public housing agency to issue any such voucher shall cease to exist: Provided further, That the Secretary may provide section 8 rental assistance from amounts made available under this paragraph for units assisted under a project-based subsidy contract funded under the "Project-Based Rental Assistance" heading under this title where the owner has received a Notice of Default and the units pose an imminent health and safety risk to residents: Provided further, That to the extent that the Secretary determines that such units are not feasible for continued rental assistance payments or transfer of the subsidy contract associated with such units to another project or projects and owner or owners, any remaining amounts associated with such units under such contract shall be recaptured and used to reimburse amounts used under this paragraph for rental assistance under the preceding proviso;

(3) \$1,925,000,000 shall be for administrative and other expenses of public housing agencies in administering the section 8 tenant-based rental assistance program, of which up to \$30,000,000

shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, including fees associated with section 8 tenant protection rental assistance, the administration of disaster related vouchers, HUD-VASH vouchers, and other special purpose incremental vouchers: Provided, That no less than \$1,895,000,000 of the amount provided in this paragraph shall be allocated to public housing agencies for the calendar year 2020 funding cycle based on section 8(g) of the Act (and related Appropriation Act provisions) as in effect immediately before the enactment of the Quality Housing and Work Responsibility Act of 1998 (Public Law 105-276): Provided further, That if the amounts made available under this paragraph are insufficient to pay the amounts determined under the previous proviso, the Secretary may decrease the amounts allocated to agencies by a uniform percentage applicable to all agencies receiving funding under this paragraph or may, to the extent necessary to provide full payment of amounts determined under the previous proviso, utilize unobligated balances, including recaptures and carryovers, remaining from funds appropriated to the Department of Housing and Urban Development under this heading from prior fiscal years, excluding special purpose vouchers, notwithstanding the purposes for which such amounts were appropriated: Provided further, That all public housing agencies participating in the MTW demonstration shall be funded pursuant to their MTW agreements and in accordance with the requirements of the MTW program, and shall be subject to the same uniform percentage decrease as under the previous proviso: Provided further, That amounts provided under this paragraph shall be only for activities related to the provision of tenant-based rental assistance authorized under section 8, including related development activities;

(4) \$225,000,000 shall be for the renewal of tenant-based assistance contracts under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), including necessary administrative expenses: Provided, That administrative and other expenses of public housing agencies in administering the special purpose vouchers in this paragraph shall be funded under the same terms and be subject to the same pro rata reduction as the percent decrease for administrative and other expenses to public housing agencies under paragraph (3) of this heading:

(5) \$5,000,000 shall be for rental assistance and associated administrative fees for Tribal HUD-VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: Provided, That such amount shall be made available for renewal grants to recipients that received assistance under prior Acts under the Tribal HUD-VASH program: Provided further, That the Secretary shall be authorized to specify criteria for renewal grants, including data on the utilization of assistance reported by grant recipients: Provided further, That any amounts remaining after such renewal assistance is awarded may be available for new grants to recipients eligible to receive block grants under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.) for rental assistance and associated administrative fees for Tribal HUD-VASH to serve Native American veterans that are homeless or at-risk of homelessness living on or near a reservation or other Indian areas: Provided further, That funds shall be awarded based on need, and administrative capacity established by the Secretary in a Notice published in the Federal Register after coordination with the Secretary of the Department of Veterans Affairs: Provided further, That renewal grants and new grants under this paragraph shall be administered in accordance with program requirements under the Native American Housing Assistance and Self-Determination Act of 1996 and modeled after the

HUD-VASH program: Provided further, That the Secretary shall be authorized to waive, or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such assistance: Provided further, That grant recipients shall report to the Secretary on utilization of such rental assistance and other program data, as prescribed by the Secretary: Provided further, That the Secretary may reallocate, as determined by the Secretary, amounts returned or recaptured from awards under prior Acts;

(6) \$40,000,000 for incremental rental voucher assistance for use through a supported housing program administered in conjunction with the Department of Veterans Affairs as authorized under section 8(o)(19) of the United States Housing Act of 1937: Provided, That the Secretary of Housing and Urban Development shall make such funding available, notwithstanding section 203 (competition provision) of this title, to public housing agencies that partner with eligible VA Medical Centers or other entities as designated by the Secretary of the Department of Veterans Affairs, based on geographical need for such assistance as identified by the Secretary of the Department of Veterans Affairs, public housing agency administrative performance, and other factors as specified by the Secretary of Housing and Urban Development in consultation with the Secretary of the Department of Veterans Affairs: Provided further, That the Secretary of Housing and Urban Development may waive, or specify alternative requirements for (in consultation with the Secretary of the Department of Veterans Affairs), any provision of any statute or regulation that the Secretary of Housing and Urban Development administers in connection with the use of funds made available under this paragraph (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective delivery and administration of such voucher assistance: Provided further, That assistance made available under this paragraph shall continue to remain available for homeless veterans upon turn-over;

(7) \$40,000,000 shall be made available for new incremental voucher assistance through the family unification program as authorized by section 8(x) of the Act: Provided, That the assistance made available under this paragraph shall continue to remain available for family unification upon turnover: Provided further, That for any public housing agency administering voucher assistance appropriated in a prior Act under the family unification program that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such program: Provided further, That of the amounts made available under this paragraph, up to \$20,000,000 shall be for assistance for youth under section 8(x) of the Act: Provided further, That notwithstanding other laws, the Secretary shall, subject only to the availability of funds, allocate such assistance to any public housing agencies that (1) administer assistance under section 8(x), or seek to administer such assistance, consistent with procedures established by the Secretary, and (2) have requested such assistance so that they may provide timely assistance to eligible youth: Provided further, That public housing agencies shall not reissue any assistance made available from amounts under

this paragraph when the initial youth that received any such assistance no longer receives it, unless approved by the Secretary;

(8) \$25,000,000 shall be made available for the mobility demonstration authorized under section 235 of division G of the Consolidated Appropriations Act, 2019 (42 U.S.C. 1437f note; Public Law 116-6; 133 Stat. 465), of which up to \$5,000,000 shall be for new incremental voucher assistance and the remainder of which shall be available to provide mobility-related services to families with children, including pre- and post-move counseling and rent deposits, and to offset the administrative costs of operating the mobility demonstration: Provided, That incremental voucher assistance made available under this paragraph shall be for families with children participating in the mobility demonstration and shall continue to remain available for families with children upon turnover: Provided further, That for any public housing agency administering voucher assistance under the mobility demonstration that determines that it no longer has an identified need for such assistance upon turnover, such agency shall notify the Secretary, and the Secretary shall recapture such assistance from the agency and reallocate it to any other public housing agency or agencies based on need for voucher assistance in connection with such demonstration; and

(9) the Secretary shall separately track all special purpose vouchers funded under this heading.

#### HOUSING CERTIFICATE FUND (INCLUDING RESCISSIONS)

Unobligated balances, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading “Annual Contributions for Assisted Housing” and the heading “Project-Based Rental Assistance”, for fiscal year 2020 and prior years may be used for renewal of or amendments to section 8 project-based contracts and for performance-based contract administrators, notwithstanding the purposes for which such funds were appropriated: Provided, That any obligated balances of contract authority from fiscal year 1974 and prior that have been terminated shall be rescinded: Provided further, That amounts heretofore recaptured, or recaptured during the current fiscal year, from section 8 project-based contracts from source years fiscal year 1975 through fiscal year 1987 are hereby rescinded, and an amount of additional new budget authority, equivalent to the amount rescinded is hereby appropriated, to remain available until expended, for the purposes set forth under this heading, in addition to amounts otherwise available.

#### PUBLIC HOUSING CAPITAL FUND

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g) (the “Act”) \$2,855,057,000, to remain available until September 30, 2023: Provided, That the amounts made available under this heading are provided as follows:

(1) notwithstanding any other provision of law or regulation, during fiscal year 2020, the Secretary of Housing and Urban Development may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(j) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term “obligate” means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future;

(2) \$28,000,000 shall be to support ongoing public housing financial and physical assess-

ment activities, pilot a new physical inspection process, and implement the recommendations made in the March 2019 Government Accountability Office (GAO) report “Real Estate Inspection Center: HUD should Improve Physical Inspection Process and Oversight of Inspectors” (GAO-19-254);

(3) up to \$16,000,000 shall be to support the costs of administrative and judicial receiverships;

(4) not to exceed \$30,000,000 shall be available for the Secretary to make grants, notwithstanding section 203 of this Act, to public housing agencies for emergency capital needs including safety and security measures necessary to address crime and drug-related activity as well as needs resulting from unforeseen or unpreventable emergencies and natural disasters excluding Presidentially declared emergencies and natural disasters under the Robert T. Stafford Disaster Relief and Emergency Act (42 U.S.C. 5121 et seq.) occurring in fiscal year 2020: Provided further, That of the amount made available under this paragraph, not less than \$10,000,000 shall be for safety and security measures: Provided further, That in addition to the amount in the previous proviso for such safety and security measures, any amounts that remain available, after all applications received on or before September 30, 2021, for emergency capital needs have been processed, shall be allocated to public housing agencies for such safety and security measures;

(5) Provided further, That for funds provided under this heading, the limitation in section 9(g)(1) of the Act shall be 25 percent: Provided further, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of the Act: Provided further, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2020 to public housing agencies that are designated high performers: Provided further, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act;

(6) \$25,000,000 shall be available for competitive grants to public housing agencies to evaluate and reduce lead-based paint hazards in public housing by carrying out the activities of risk assessments, abatement, and interim controls (as those terms are defined in section 1004 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851b)): Provided further, That for purposes of environmental review, a grant under this paragraph shall be considered funds for projects or activities under title I of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) for purposes of section 26 of such Act (42 U.S.C. 1437x) and shall be subject to the regulations implementing such section; and

(7) \$25,000,000 shall be available for competitive grants to public housing agencies for activities authorized under the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning mold, carbon monoxide poisoning, and other housing-related diseases and hazards.

#### PUBLIC HOUSING OPERATING FUND

For 2020 payments to public housing agencies for the operation and management of public housing, as authorized by section 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(e)), \$4,753,116,000, to remain available until September 30, 2021.

#### CHOICE NEIGHBORHOODS INITIATIVE

For competitive grants under the Choice Neighborhoods Initiative (subject to section 24 of

the United States Housing Act of 1937 (42 U.S.C. 1437v), unless otherwise specified under this heading), for transformation, rehabilitation, and replacement housing needs of both public and HUD-assisted housing and to transform neighborhoods of poverty into functioning, sustainable mixed income neighborhoods with appropriate services, schools, public assets, transportation and access to jobs, \$300,000,000, to remain available until September 30, 2023: Provided, That grant funds may be used for resident and community services, community development, and affordable housing needs in the community, and for conversion of vacant or foreclosed properties to affordable housing: Provided further, That the use of funds made available under this heading shall not be deemed to be public housing notwithstanding section 3(b)(1) of such Act: Provided further, That grantees shall commit to an additional period of affordability determined by the Secretary of not fewer than 20 years: Provided further, That grantees shall provide a match in State, local, other Federal or private funds: Provided further, That grantees may include local governments, tribal entities, public housing authorities, and nonprofits: Provided further, That for-profit developers may apply jointly with a public entity: Provided further, That for purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437x), and grants under this heading shall be subject to the regulations issued by the Secretary to implement such section: Provided further, That of the amount provided, not less than \$150,000,000 shall be awarded to public housing agencies: Provided further, That such grantees shall create partnerships with other local organizations including assisted housing owners, service agencies, and resident organizations: Provided further, That the Secretary shall consult with the Secretaries of Education, Labor, Transportation, Health and Human Services, Agriculture, and Commerce, the Attorney General, and the Administrator of the Environmental Protection Agency to coordinate and leverage other appropriate Federal resources: Provided further, That no more than \$5,000,000 of funds made available under this heading may be provided as grants to undertake comprehensive local planning with input from residents and the community: Provided further, That unobligated balances, including recaptures, remaining from funds appropriated under the heading “Revitalization of Severely Distressed Public Housing (HOPE VI)” in fiscal year 2011 and prior fiscal years may be used for purposes under this heading, notwithstanding the purposes for which such amounts were appropriated: Provided further, That the Secretary shall issue the Notice of Funding Availability for funds made available under this heading no later than 120 days after enactment of this Act: Provided further, That the Secretary shall make grant awards no later than one year from the date of enactment of this Act in such amounts that the Secretary determines: Provided further, That notwithstanding section 24(o) of the United States Housing Act of 1937 (42 U.S.C. 1437v(o)), the Secretary may, until September 30, 2023, obligate any available unobligated balances made available under this heading in this, or any prior Act.

#### SELF-SUFFICIENCY PROGRAMS

For activities and assistance related to Self-Sufficiency Programs, to remain available until September 30, 2023, \$150,000,000: Provided, That the amounts made available under this heading are provided as follows:

(1) \$100,000,000 shall be for the Family Self-Sufficiency program to support family self-sufficiency coordinators under section 23 of the United States Housing Act of 1937 (42 U.S.C. 1437u), to promote the development of local strategies to coordinate the use of assistance under sections 8 and 9 of such Act with public

and private resources, and enable eligible families to achieve economic independence and self-sufficiency: Provided, That the Secretary may, by Federal Register notice, waive or specify alternative requirements under subsections (b)(3), (b)(4), (b)(5), or (c)(1) of section 23 of such Act in order to facilitate the operation of a unified self-sufficiency program for individuals receiving assistance under different provisions of the Act, as determined by the Secretary: Provided further, That owners of a privately owned multifamily property with a section 8 contract may voluntarily make a Family Self-Sufficiency program available to the assisted tenants of such property in accordance with procedures established by the Secretary: Provided further, That such procedures established pursuant to the previous proviso shall permit participating tenants to accrue escrow funds in accordance with section 23(d)(2) and shall allow owners to use funding from residual receipt accounts to hire coordinators for their own Family Self-Sufficiency program;

(2) \$35,000,000 shall be for the Resident Opportunity and Self-Sufficiency program to provide for supportive services, service coordinators, and congregate services as authorized by section 34 of the United States Housing Act of 1937 (42 U.S.C. 1437z-6) and the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.); and

(3) \$15,000,000 shall be for a Jobs-Plus initiative, modeled after the Jobs-Plus demonstration: Provided, That funding provided under this paragraph shall be available for competitive grants to partnerships between public housing authorities, local workforce investment boards established under section 107 of the Workforce Innovation and Opportunity Act of 2014 (29 U.S.C. 3122), and other agencies and organizations that provide support to help public housing residents obtain employment and increase earnings: Provided further, That applicants must demonstrate the ability to provide services to residents, partner with workforce investment boards, and leverage service dollars: Provided further, That the Secretary may allow public housing agencies to request exemptions from rent and income limitation requirements under sections 3 and 6 of the United States Housing Act of 1937 (42 U.S.C. 1437a, 1437d), as necessary to implement the Jobs-Plus program, on such terms and conditions as the Secretary may approve upon a finding by the Secretary that any such waivers or alternative requirements are necessary for the effective implementation of the Jobs-Plus initiative as a voluntary program for residents: Provided further, That the Secretary shall publish by notice in the Federal Register any waivers or alternative requirements pursuant to the preceding proviso no later than 10 days before the effective date of such notice: Provided further, That for funds provided under this paragraph, the limitation in section 9(g)(1) of the United States Housing Act of 1937 shall be 25 percent: Provided further, That the Secretary may waive the limitation in the previous proviso to allow public housing agencies to fund activities authorized under section 9(e)(1)(C) of such Act: Provided further, That the Secretary shall notify public housing agencies requesting waivers under the previous proviso if the request is approved or denied within 14 days of submitting the request: Provided further, That from the funds made available under this heading, the Secretary shall provide bonus awards in fiscal year 2020 to public housing agencies that are designated high performers: Provided further, That the Department shall notify public housing agencies of their formula allocation within 60 days of enactment of this Act.

#### NATIVE AMERICAN PROGRAMS (INCLUDING TRANSFER OF FUNDS)

For activities and assistance authorized under title I of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4111 et seq.), title I of

the Housing and Community Development Act of 1974 with respect to Indian tribes (42 U.S.C. 5306(a)(1)), and related training and technical assistance, \$855,000,000, to remain available until September 30, 2024, unless otherwise specified: Provided, That amounts made available under this heading are provided as follows:

(1) \$671,000,000 shall be for the Native American Housing Block Grants program, as authorized under title I of NAHASDA: Provided, That, notwithstanding NAHASDA, to determine the amount of the allocation under title I of such Act for each Indian tribe, the Secretary shall apply the formula under section 302 of such Act with the need component based on single-race census data and with the need component based on multi-race census data, and the amount of the allocation for each Indian tribe shall be the greater of the two resulting allocation amounts: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of the date of enactment of this Act;

(2) \$2,000,000 shall be for the cost of guaranteed notes and other obligations, as authorized by title VI of NAHASDA: Provided, That such costs, including the costs of modifying such notes and other obligations, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize the total principal amount of any notes and other obligations, any part of which is to be guaranteed, not to exceed \$32,000,000;

(3) \$100,000,000 shall be for competitive grants under the Native American Housing Block Grants program, as authorized under title I of NAHASDA: Provided, That the Secretary shall obligate this additional amount for competitive grants to eligible recipients authorized under NAHASDA that apply for funds: Provided further, That in awarding this additional amount, the Secretary shall consider need and administrative capacity, and shall give priority to projects that will spur construction and rehabilitation: Provided further, That a grant funded pursuant to this paragraph shall be not greater than \$10,000,000: Provided further, That up to 1 percent of this additional amount may be transferred, in aggregate, to the Office of Public and Indian Housing under paragraph (1) of the heading "Program Office Salaries and Expenses" for necessary costs of administering and overseeing the obligation and expenditure of this additional amount: Provided further, That any funds transferred pursuant to this paragraph shall remain available until September 30, 2025;

(4) \$75,000,000 shall be for grants to Indian tribes for carrying out the Indian Community Development Block Grant program under title I of the Housing and Community Development Act of 1974, notwithstanding section 106(a)(1) of such Act, of which, notwithstanding any other provision of law (including section 203 of this Act), up to \$5,000,000 may be used for emergencies that constitute imminent threats to health and safety: Provided, That not to exceed 20 percent of any grant made with funds appropriated under this paragraph shall be expended for planning and management development and administration: Provided further, That funds provided under this paragraph shall remain available until September 30, 2022; and

(5) \$7,000,000 shall be for providing training and technical assistance to Indian tribes, Indian housing authorities and tribally designated housing entities, to support the inspection of Indian housing units, contract expertise, and for training and technical assistance related to funding provided under this heading and other headings under this Act for the needs of Native American families and Indian country: Provided, That of the funds made available under this paragraph, not less than \$2,000,000 shall be available for a national organization as authorized under section 703 of NAHASDA (25 U.S.C. 4212): Provided further, That notwithstanding the provisions of the Federal Grant and Cooper-

ative Agreements Act of 1977 (31 U.S.C. 6301-6308), the amounts made available under this paragraph may be used by the Secretary to enter into cooperative agreements with public and private organizations, agencies, institutions, and other technical assistance providers to support the administration of negotiated rule-making under section 106 of NAHASDA (25 U.S.C. 4116), the administration of the allocation formula under section 302 of NAHASDA (25 U.S.C. 4152), and the administration of performance tracking and reporting under section 407 of NAHASDA (25 U.S.C. 4167).

#### INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a), \$2,500,000, to remain available until expended: Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, up to \$1,000,000,000, to remain available until expended: Provided further, That up to \$500,000 of this amount may be for administrative contract expenses including management processes and systems to carry out the loan guarantee program.

#### NATIVE HAWAIIAN HOUSING BLOCK GRANT

For the Native Hawaiian Housing Block Grant program, as authorized under title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4111 et seq.), \$2,500,000, to remain available until September 30, 2024: Provided, That notwithstanding section 812(b) of such Act, the Department of Hawaiian Home Lands may not invest grant amounts provided under this heading in investment securities and other obligations: Provided further, That amounts made available under this heading in this and prior fiscal years may be used to provide rental assistance to eligible Native Hawaiian families both on and off the Hawaiian Home Lands, notwithstanding any other provision of law.

#### COMMUNITY PLANNING AND DEVELOPMENT HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

For carrying out the Housing Opportunities for Persons with AIDS program, as authorized by the AIDS Housing Opportunity Act (42 U.S.C. 12901 et seq.), \$410,000,000, to remain available until September 30, 2021, except that amounts allocated pursuant to section 854(c)(5) of such Act shall remain available until September 30, 2022: Provided, That the Secretary shall renew all expiring contracts for permanent supportive housing that initially were funded under section 854(c)(5) of such Act from funds made available under this heading in fiscal year 2010 and prior fiscal years that meet all program requirements before awarding funds for new contracts under such section: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

#### COMMUNITY DEVELOPMENT FUND

For carrying out the community development block grant program under title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301 et seq.) ("the Act" herein), \$3,600,000,000, to remain available until September 30, 2022, unless otherwise specified: Provided, That unless explicitly provided for under this heading, not to exceed 20 percent of any grant made with funds appropriated under this heading shall be expended for planning and management development and administration: Provided further, That a metropolitan city, urban county, unit of general local government, or insular area that directly or indirectly receives funds under this heading may not sell, trade, or otherwise transfer all or any portion of

such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act: Provided further, That notwithstanding section 105(e)(1) of the Act, no funds provided under this heading may be provided to a for-profit entity for an economic development project under section 105(a)(17) unless such project has been evaluated and selected in accordance with guidelines required under subsection (e)(2): Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act.

#### COMMUNITY DEVELOPMENT LOAN GUARANTEES PROGRAM ACCOUNT

Subject to section 502 of the Congressional Budget Act of 1974, during fiscal year 2020, commitments to guarantee loans under section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. 5308), any part of which is guaranteed, shall not exceed a total principal amount of \$300,000,000, notwithstanding any aggregate limitation on outstanding obligations guaranteed in subsection (k) of such section 108: Provided, That the Secretary shall collect fees from borrowers, notwithstanding subsection (m) of such section 108, to result in a credit subsidy cost of zero for guaranteeing such loans, and any such fees shall be collected in accordance with section 502(7) of the Congressional Budget Act of 1974: Provided further, That such commitment authority funded by fees may be used to guarantee, or make commitments to guarantee, notes or other obligations issued by any State on behalf of non-entitlement communities in the State in accordance with the requirements of such section 108: Provided further, That any State receiving such a guarantee or commitment under the previous proviso shall distribute all funds subject to such guarantee to the units of general local government in nonentitlement areas that received the commitment.

#### HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME Investment Partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, \$1,750,000,000, to remain available until September 30, 2023: Provided, That notwithstanding the amount made available under this heading, the threshold reduction requirements in sections 216(10) and 217(b)(4) of such Act (42 U.S.C. 12746(10), 12747(b)(4)) shall not apply to allocations of such amount: Provided further, That the Department shall notify grantees of their formula allocation within 60 days of enactment of this Act: Provided further, That section 218(g) of such Act (42 U.S.C. 12748(g)) shall not apply with respect to the right of a jurisdiction to draw funds from its HOME Investment Trust Fund that otherwise expired or would expire in 2016, 2017, 2018, 2019, 2020, 2021, or 2022 under that section: Provided further, That section 231(b) of such Act (42 U.S.C. 12771(b)) shall not apply to any uninvested funds that otherwise were deducted or would be deducted from the line of credit in the participating jurisdiction's HOME Investment Trust Fund in 2018, 2019, 2020, 2021, or 2022 under that section and the funds shall be invested only in housing to be developed, sponsored, or owned by community housing development organizations.

#### SELF-HELP AND ASSISTED HOMEOWNERSHIP OPPORTUNITY PROGRAM

For the Self-Help and Assisted Homeownership Opportunity Program, as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended, \$55,000,000, to remain available until September 30, 2022: Provided, That of the total amount provided under this heading, \$10,000,000 shall be made available to the Self-Help Homeownership Opportunity Program as authorized under section 11 of the Housing Opportunity Program Extension Act of 1996, as amended: Provided further,

That of the total amount provided under this heading, \$40,000,000 shall be made available for the second, third, and fourth capacity building activities authorized under section 4(a) of the HUD Demonstration Act of 1993 (42 U.S.C. 9816 note), of which not less than \$5,000,000 shall be made available for rural capacity building activities: Provided further, That of the total amount provided under this heading, \$5,000,000 shall be made available for capacity building by national rural housing organizations with experience assessing national rural conditions and providing financing, training, technical assistance, information, and research to local non-profits, local governments, and Indian Tribes serving high need rural communities.

#### HOMELESS ASSISTANCE GRANTS

For the Emergency Solutions Grants program as authorized under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act, as amended; the Continuum of Care program as authorized under subtitle C of title IV of such Act; and the Rural Housing Stability Assistance program as authorized under subtitle D of title IV of such Act, \$2,800,000,000, to remain available until September 30, 2022: Provided, That not less than \$290,000,000 of the funds appropriated under this heading shall be available for such Emergency Solutions Grants program: Provided further, That not less than \$2,344,000,000 of the funds appropriated under this heading shall be available for such Continuum of Care and Rural Housing Stability Assistance programs: Provided further, That of the amounts made available under this heading, up to \$50,000,000 shall be made available for grants for rapid re-housing projects and supportive service projects providing coordinated entry, and for eligible activities the Secretary determines to be critical in order to assist survivors of domestic violence, sexual assault, dating violence, and stalking: Provided further, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: Provided further, That up to \$7,000,000 of the funds appropriated under this heading shall be available for the national homeless data analysis project: Provided further, That for all match requirements applicable to funds made available under this heading for this fiscal year and prior fiscal years, a grantee may use (or could have used) as a source of match funds other funds administered by the Secretary and other Federal agencies unless there is (or was) a specific statutory prohibition on any such use of any such funds: Provided further, That none of the funds provided under this heading shall be available to provide funding for new projects, except for projects created through reallocation, unless the Secretary determines that the continuum of care has demonstrated that projects are evaluated and ranked based on the degree to which they improve the continuum of care's system performance: Provided further, That the Secretary shall prioritize funding under the Continuum of Care program to continuums of care that have demonstrated a capacity to reallocate funding from lower performing projects to higher performing projects: Provided further, That all awards of assistance under this heading shall be required to coordinate and integrate homeless programs with other mainstream health, social services, and employment programs for which homeless populations may be eligible: Provided further, That any unobligated amounts remaining from funds appropriated under this heading in fiscal year 2012 and prior years for project-based rental assistance for rehabilitation projects with 10-year grant terms may be used for purposes under this heading, notwithstanding the purposes for which such funds were appropriated: Provided further, That all balances for Shelter Plus Care renewals previously funded from the Shelter Plus Care Renewal account and transferred to this account shall be available, if recaptured, for Con-

tinuum of Care renewals in fiscal year 2020: Provided further, That the Department shall notify grantees of their formula allocation from amounts allocated (which may represent initial or final amounts allocated) for the Emergency Solutions Grant program within 60 days of enactment of this Act: Provided further, That up to \$100,000,000 of the funds appropriated under this heading shall be to implement projects to demonstrate how a comprehensive approach to serving homeless youth, age 24 and under, in up to 25 communities can dramatically reduce youth homelessness: Provided further, That of the amount made available under the previous proviso, up to \$10,000,000 shall be available to provide technical assistance on improving system responses to youth homelessness, and collection, analysis, use, and reporting of data and performance measures under the comprehensive approaches to serve homeless youth, in addition to and in coordination with other technical assistance funds provided under this title: Provided further, That the Secretary may use up to 10 percent of the amount made available under the previous proviso to build the capacity of current technical assistance providers or to train new technical assistance providers with verifiable prior experience with systems and programs for youth experiencing homelessness: Provided further, That such projects shall be eligible for renewal under the continuum of care program subject to the same terms and conditions as other renewal applicants: Provided further, That youth aged 24 and under seeking assistance under this heading shall not be required to provide third party documentation to establish their eligibility under 42 U.S.C. 11302(a) or (b) to receive services: Provided further, That unaccompanied youth aged 24 and under or families headed by youth aged 24 and under who are living in unsafe situations may be served by youth-serving providers funded under this heading: Provided further, That the Secretary shall consider and award projects based solely on the selection criteria from the fiscal year 2018 Notice of Funding Availability.

#### HOUSING PROGRAMS

##### PROJECT-BASED RENTAL ASSISTANCE

For activities and assistance for the provision of project-based subsidy contracts under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) ("the Act"), not otherwise provided for, \$12,190,000,000, to remain available until expended, shall be available on October 1, 2019 (in addition to the \$400,000,000 previously appropriated under this heading that became available October 1, 2019), and \$400,000,000, to remain available until expended, shall be available on October 1, 2020: Provided, That the amounts made available under this heading shall be available for expiring or terminating section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for amendments to section 8 project-based subsidy contracts (including section 8 moderate rehabilitation contracts), for contracts entered into pursuant to section 441 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11401), for renewal of section 8 contracts for units in projects that are subject to approved plans of action under the Emergency Low Income Housing Preservation Act of 1987 or the Low-Income Housing Preservation and Resident Homeownership Act of 1990, and for administrative and other expenses associated with project-based activities and assistance funded under this paragraph: Provided further, That of the total amounts provided under this heading, not to exceed \$345,000,000 shall be available for performance-based contract administrators for section 8 project-based assistance, for carrying out 42 U.S.C. 1437(f): Provided further, That the Secretary may also use such amounts in the previous proviso for performance-based contract administrators for the administration of: interest reduction payments pursuant to section 236(a) of the National Housing Act (12 U.S.C.



1715z-1(a)); rent supplement payments pursuant to section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s); section 236(f)(2) rental assistance payments (12 U.S.C. 1715z-1(f)(2)); project rental assistance contracts for the elderly under section 202(c)(2) of the Housing Act of 1959 (12 U.S.C. 1701q); project rental assistance contracts for supportive housing for persons with disabilities under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013(d)(2)); project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667); and loans under section 202 of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667): Provided further, That amounts recaptured under this heading, the heading "Annual Contributions for Assisted Housing", or the heading "Housing Certificate Fund", may be used for renewals or amendments to section 8 project-based contracts or for performance-based contract administrators, notwithstanding the purposes for which such amounts were appropriated: Provided further, That, notwithstanding any other provision of law, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 8 project-based Housing Assistance Payments contract that authorizes HUD or a Housing Finance Agency to require that surplus project funds be deposited in an interest-bearing residual receipts account and that are in excess of an amount to be determined by the Secretary, shall be remitted to the Department and deposited in this account, to be available until expended: Provided further, That amounts deposited pursuant to the previous proviso shall be available in addition to the amount otherwise provided by this heading for uses authorized under this heading.

#### HOUSING FOR THE ELDERLY

For capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, for project rental assistance for the elderly under section 202(c)(2) of such Act, including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for senior preservation rental assistance contracts, including renewals, as authorized by section 811(e) of the American Housing and Economic Opportunity Act of 2000, as amended, and for supportive services associated with the housing, \$803,000,000, to remain available until September 30, 2023: Provided, That of the amount provided under this heading, up to \$95,000,000 shall be for service coordinators and the continuation of existing congregate service grants for residents of assisted housing projects: Provided further, That amounts under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 202 projects: Provided further, That the Secretary may waive the provisions of section 202 governing the terms and conditions of project rental assistance, except that the initial contract term for such assistance shall not exceed 5 years in duration: Provided further, That upon request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 202 project rental assistance contract and, upon termination of such contract, are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to remain available until September 30, 2023: Provided further, That amounts deposited in this account pursuant to the previous proviso shall be available, in addition to the amounts otherwise provided by this heading, for amendments and renewals: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be available for amendments and renewals in addition to the

purposes for which such funds originally were appropriated: Provided further, That of the total amount provided under this heading, \$10,000,000, shall be for a program to be established by the Secretary to make grants to experienced non-profit organizations, States, local governments, or public housing agencies for safety and functional home modification repairs to meet the needs of low-income elderly persons to enable them to remain in their primary residence: Provided further, That of the total amount made available under the previous proviso, no less than \$5,000,000 shall be available to meet such needs in communities with substantial rural populations.

#### HOUSING FOR PERSONS WITH DISABILITIES

For capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013), as amended, for project rental assistance for supportive housing for persons with disabilities under section 811(d)(2) of such Act, for project assistance contracts pursuant to section 202(h) of the Housing Act of 1959 (Public Law 86-372; 73 Stat. 667), including amendments to contracts for such assistance and renewal of expiring contracts for such assistance for up to a 1-year term, for project rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Cranston-Gonzalez National Housing Act, and for supportive services associated with the housing for persons with disabilities as authorized by section 811(b)(1) of such Act, \$258,510,000, to remain available until September 30, 2023: Provided, That amounts made available under this heading shall be available for Real Estate Assessment Center inspections and inspection-related activities associated with section 811 projects: Provided further, That, upon the request of the Secretary, project funds that are held in residual receipts accounts for any project subject to a section 811 project rental assistance contract and, upon termination of such contract, are in excess of an amount to be determined by the Secretary shall be remitted to the Department and deposited in this account, to remain available until September 30, 2023: Provided further, That amounts deposited in this account pursuant to the previous proviso shall be available in addition to the amounts otherwise provided by this heading for amendments and renewals: Provided further, That unobligated balances, including recaptures and carryover, remaining from funds transferred to or appropriated under this heading shall be used for amendments and renewals in addition to the purposes for which such funds originally were appropriated.

#### HOUSING COUNSELING ASSISTANCE

For contracts, grants, and other assistance excluding loans, as authorized under section 106 of the Housing and Urban Development Act of 1968, as amended, \$60,000,000, to remain available until September 30, 2021, including up to \$4,500,000 for administrative contract services: Provided, That grants made available from amounts provided under this heading shall be awarded within 180 days of enactment of this Act: Provided further, That funds shall be used for providing counseling and advice to tenants and homeowners, both current and prospective, with respect to property maintenance, financial management or literacy, and such other matters as may be appropriate to assist them in improving their housing conditions, meeting their financial needs, and fulfilling the responsibilities of tenancy or homeownership; for program administration; and for housing counselor training: Provided further, That for purposes of providing such grants from amounts provided under this heading, the Secretary may enter into multiyear agreements, as appropriate, subject to the availability of annual appropriations.

#### RENTAL HOUSING ASSISTANCE

For amendments to contracts under section 101 of the Housing and Urban Development Act of 1965 (12 U.S.C. 1701s) and section 236(f)(2) of the National Housing Act (12 U.S.C. 1715z-1) in State-aided, noninsured rental housing projects, \$3,000,000, to remain available until expended: Provided, That such amount, together with unobligated balances from recaptured amounts appropriated prior to fiscal year 2006 from terminated contracts under such sections of law, and any unobligated balances, including recaptures and carryover, remaining from funds appropriated under this heading after fiscal year 2005, shall also be available for extensions of up to one year for expiring contracts under such sections of law.

#### PAYMENT TO MANUFACTURED HOUSING FEES TRUST FUND

For necessary expenses as authorized by the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), up to \$12,400,000, to remain available until expended, of which \$12,400,000 is to be derived from the Manufactured Housing Fees Trust Fund: Provided, That not to exceed the total amount appropriated under this heading shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund pursuant to section 620 of such Act: Provided further, That the amount made available under this heading from the general fund shall be reduced as such collections are received during fiscal year 2020 so as to result in a final fiscal year 2020 appropriation from the general fund estimated at zero, and fees pursuant to such section 620 shall be modified as necessary to ensure such a final fiscal year 2020 appropriation: Provided further, That for the dispute resolution and installation programs, the Secretary of Housing and Urban Development may assess and collect fees from any program participant: Provided further, That such collections shall be deposited into the Fund, and the Secretary, as provided herein, may use such collections, as well as fees collected under section 620, for necessary expenses of such Act: Provided further, That, notwithstanding the requirements of section 620 of such Act, the Secretary may carry out responsibilities of the Secretary under such Act through the use of approved service providers that are paid directly by the recipients of their services.

#### FEDERAL HOUSING ADMINISTRATION MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

New commitments to guarantee single family loans insured under the Mutual Mortgage Insurance Fund shall not exceed \$400,000,000,000, to remain available until September 30, 2021: Provided, That during fiscal year 2020, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed \$1,000,000: Provided further, That the foregoing amount in the previous proviso shall be for loans to non-profit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under the Mutual Mortgage Insurance Fund: Provided further, That for administrative contract expenses of the Federal Housing Administration, \$130,000,000, to remain available until September 30, 2021: Provided further, That to the extent guaranteed loan commitments exceed \$200,000,000,000 on or before April 1, 2020, an additional \$1,400 for administrative contract expenses shall be available for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$30,000,000: Provided further, That notwithstanding the limitation in the first sentence of section 255(g) of the National Housing Act (12



U.S.C. 1715z–20(g)), during fiscal year 2020 the Secretary may insure and enter into new commitments to insure mortgages under section 255 of the National Housing Act only to the extent that the net credit subsidy cost for such insurance does not exceed zero: Provided further, That for fiscal year 2020, the Secretary shall not take any action against a lender solely on the basis of compare ratios that have been adversely affected by defaults on mortgages secured by properties in areas where a major disaster was declared in 2017 or 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

#### GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

New commitments to guarantee loans insured under the General and Special Risk Insurance Funds, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z–3 and 1735c), shall not exceed \$30,000,000,000 in total loan principal, any part of which is to be guaranteed, to remain available until September 30, 2021: Provided, That during fiscal year 2020, gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238, and 519(a) of the National Housing Act, shall not exceed \$1,000,000, which shall be for loans to nonprofit and governmental entities in connection with the sale of single family real properties owned by the Secretary and formerly insured under such Act.

#### GOVERNMENT NATIONAL MORTGAGE ASSOCIATION GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

New commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed \$550,000,000,000, to remain available until September 30, 2021: Provided, That \$27,000,000, to remain available until September 30, 2021, shall be for necessary salaries and expenses of the Office of Government National Mortgage Association: Provided further, That to the extent that guaranteed loan commitments exceed \$155,000,000,000 on or before April 1, 2020, an additional \$100 for necessary salaries and expenses shall be available until expended for each \$1,000,000 in additional guaranteed loan commitments (including a pro rata amount for any amount below \$1,000,000), but in no case shall funds made available by this proviso exceed \$3,000,000: Provided further, That receipts from Commitment and Multiclass fees collected pursuant to title III of the National Housing Act, as amended, shall be credited as offsetting collections to this account.

#### POLICY DEVELOPMENT AND RESEARCH RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, as authorized by title V of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary of Housing and Urban Development under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, and for technical assistance, \$98,000,000, to remain available until September 30, 2021: Provided, That the amounts made available under this heading may be used for the types of research and studies otherwise provided for and authorized elsewhere under this title: Provided further, That with respect to amounts made available under this heading, notwithstanding section 203 of this title, the Secretary may enter into cooperative agreements funded with philanthropic entities, other Federal agencies, State or local governments and their agencies, Indian tribes, tribally designated housing entities, or colleges or universities for research projects: Provided further, That with respect to the previous proviso, such partners to the cooperative agreements must contribute at least a 50 percent match toward the cost of the project: Provided further, That for non-competitive agreements entered into in accordance with the previous

two provisos, the Secretary of Housing and Urban Development shall comply with section 2(b) of the Federal Funding Accountability and Transparency Act of 2006 (Public Law 109–282, 31 U.S.C. note) in lieu of compliance with section 102(a)(4)(C) with respect to documentation of award decisions: Provided further, That prior to obligation of technical assistance funding, the Secretary shall submit a plan, for approval, to the House and Senate Committees on Appropriations on how it will allocate funding for this activity: Provided further, That none of the funds provided under this heading may be available for the doctoral dissertation research grant program.

#### FAIR HOUSING AND EQUAL OPPORTUNITY

##### FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and section 561 of the Housing and Community Development Act of 1987, as amended, \$75,300,000, to remain available until September 30, 2021: Provided, That grants made available from amounts provided under this heading shall be awarded within 120 days of enactment of this Act: Provided further, That notwithstanding 31 U.S.C. 3302, the Secretary may assess and collect fees to cover the costs of the Fair Housing Training Academy, and may use such funds to develop on-line courses and provide such training: Provided further, That of the funds made available under this heading, up to \$450,000 shall be available to the Secretary of Housing and Urban Development for the creation and promotion of translated materials and other programs that support the assistance of persons with limited English proficiency in utilizing the services provided by the Department of Housing and Urban Development.

#### OFFICE OF LEAD HAZARD CONTROL AND HEALTHY HOMES

##### LEAD HAZARD REDUCTION

For the Lead Hazard Reduction Program, as authorized by section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992, \$290,000,000, to remain available until September 30, 2022, of which \$56,000,000 shall be for the Healthy Homes Initiative, pursuant to sections 501 and 502 of the Housing and Urban Development Act of 1970, which shall include research, studies, testing, and demonstration efforts, including education and outreach concerning lead-based paint poisoning and other housing-related diseases and hazards: Provided, That for purposes of environmental review, pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and other provisions of law that further the purposes of such Act, a grant under the Healthy Homes Initiative, or the Lead Technical Studies program under this heading or under prior appropriations Acts for such purposes under this heading, shall be considered to be funds for a special project for purposes of section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994: Provided further, That not less than \$95,000,000 of the amounts made available under this heading for the award of grants pursuant to section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 1992 shall be provided to areas with the highest lead-based paint abatement needs: Provided further, That of the amount made available for the Healthy Homes Initiative, \$5,000,000 shall be for the implementation of projects in up to five communities that are served by both the Healthy Homes Initiative and Department of Energy weatherization programs to demonstrate whether the coordination of Healthy Homes remediation activities with weatherization activities achieves cost savings and better outcomes in improving the safety and quality of homes: Provided further, That each applicant shall certify adequate capacity that is acceptable to the Sec-

retary to carry out the proposed use of funds pursuant to a notice of funding availability: Provided further, That amounts made available under this heading in this or prior appropriations Acts, still remaining available, may be used for any purpose under this heading notwithstanding the purpose for which such amounts were appropriated if a program competition is undersubscribed and there are other program competitions under this heading that are oversubscribed.

#### CYBERSECURITY AND INFORMATION TECHNOLOGY FUND

For the mitigation against the exploitation of information technology systems and personally identifiable information; for the development, modernization, and enhancement of, modifications to, and infrastructure for Department-wide and program-specific information technology systems, and for the continuing operation and maintenance of both Department-wide and program-specific information systems, and for program-related maintenance activities, \$300,000,000, to remain available until September 30, 2021, of which \$20,000,000 may be used for single family information technology systems of the Federal Housing Administration: Provided, That any amounts transferred to this Fund under this Act shall remain available until expended: Provided further, That any amounts transferred to this Fund from amounts appropriated by previously enacted appropriations Acts may be used for the purposes specified under this Fund, in addition to any other information technology purposes for which such amounts were appropriated: Provided further, That not more than 10 percent of the funds made available under this heading for development, modernization and enhancement may be obligated until the Secretary submits to the House and Senate Committees on Appropriations, for approval, a plan for expenditure that—(A) identifies for each modernization project: (i) the functional and performance capabilities to be delivered and the mission benefits to be realized, (ii) the estimated life-cycle cost, and (iii) key milestones to be met; and (B) demonstrates that each modernization project is: (i) compliant with the Department's enterprise architecture, (ii) being managed in accordance with applicable life-cycle management policies and guidance, (iii) subject to the Department's capital planning and investment control requirements, and (iv) supported by an adequately staffed project office.

#### OFFICE OF INSPECTOR GENERAL

For necessary salaries and expenses of the Office of Inspector General in carrying out the Inspector General Act of 1978, as amended, \$132,489,000: Provided, That the Inspector General shall have independent authority over all personnel issues within this office.

#### GENERAL PROVISIONS—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (INCLUDING TRANSFER OF FUNDS) (INCLUDING RESCISSIONS)

SEC. 201. Fifty percent of the amounts of budget authority, or in lieu thereof 50 percent of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 1437f note) shall be rescinded or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section. Notwithstanding the previous sentence, the Secretary may award up to 15 percent of the budget authority or cash recaptured and not rescinded or remitted to the Treasury to provide project

owners with incentives to refinance their project at a lower interest rate.

SEC. 202. None of the amounts made available under this Act may be used during fiscal year 2020 to investigate or prosecute under the Fair Housing Act any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of a nonfrivolous legal action, that is engaged in solely for the purpose of achieving or preventing action by a Government official or entity, or a court of competent jurisdiction.

SEC. 203. Except as explicitly provided in law, any grant, cooperative agreement or other assistance made pursuant to title II of this Act shall be made on a competitive basis and in accordance with section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

SEC. 204. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of the Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1).

SEC. 205. Unless otherwise provided for in this Act or through a reprogramming of funds, no part of any appropriation for the Department of Housing and Urban Development shall be available for any program, project or activity in excess of amounts set forth in the budget estimates submitted to Congress.

SEC. 206. Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accordance with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of such Act as may be necessary in carrying out the programs set forth in the budget for 2020 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

SEC. 207. The Secretary of Housing and Urban Development shall provide quarterly reports to the House and Senate Committees on Appropriations regarding all uncommitted, unobligated, recaptured and excess funds in each program and activity within the jurisdiction of the Department and shall submit additional, updated budget information to these Committees upon request.

SEC. 208. The President's formal budget request for fiscal year 2021, as well as the Department of Housing and Urban Development's congressional budget justifications to be submitted to the Committees on Appropriations of the House of Representatives and the Senate, shall use the identical account and sub-account structure provided under this Act.

SEC. 209. No funds provided under this title may be used for an audit of the Government National Mortgage Association that makes applicable requirements under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

SEC. 210. (a) Notwithstanding any other provision of law, subject to the conditions listed under this section, for fiscal years 2020 and 2021, the Secretary of Housing and Urban Development may authorize the transfer of some or all project-based assistance, debt held or insured by the Secretary and statutorily required low-income and very low-income use restrictions if any, associated with one or more multifamily housing project or projects to another multifamily housing project or projects.

(b) PHASED TRANSFERS.—Transfers of project-based assistance under this section may be done in phases to accommodate the financing and other requirements related to rehabilitating or constructing the project or projects to which the assistance is transferred, to ensure that such project or projects meet the standards under subsection (c).

(c) The transfer authorized in subsection (a) is subject to the following conditions:

(1) NUMBER AND BEDROOM SIZE OF UNITS.—

(A) For occupied units in the transferring project: The number of low-income and very low-income units and the configuration (i.e., bedroom size) provided by the transferring project shall be no less than when transferred to the receiving project or projects and the net dollar amount of Federal assistance provided to the transferring project shall remain the same in the receiving project or projects.

(B) For unoccupied units in the transferring project: The Secretary may authorize a reduction in the number of dwelling units in the receiving project or projects to allow for a reconfiguration of bedroom sizes to meet current market demands, as determined by the Secretary and provided there is no increase in the project-based assistance budget authority.

(2) The transferring project shall, as determined by the Secretary, be either physically obsolete or economically nonviable.

(3) The receiving project or projects shall meet or exceed applicable physical standards established by the Secretary.

(4) The owner or mortgagor of the transferring project shall notify and consult with the tenants residing in the transferring project and provide a certification of approval by all appropriate local governmental officials.

(5) The tenants of the transferring project who remain eligible for assistance to be provided by the receiving project or projects shall not be required to vacate their units in the transferring project or projects until new units in the receiving project are available for occupancy.

(6) The Secretary determines that this transfer is in the best interest of the tenants.

(7) If either the transferring project or the receiving project or projects meets the condition specified in subsection (d)(2)(A), any lien on the receiving project resulting from additional financing obtained by the owner shall be subordinate to any FHA-insured mortgage lien transferred to, or placed on, such project by the Secretary, except that the Secretary may waive this requirement upon determination that such a waiver is necessary to facilitate the financing of acquisition, construction, and/or rehabilitation of the receiving project or projects.

(8) If the transferring project meets the requirements of subsection (d)(2), the owner or mortgagor of the receiving project or projects shall execute and record either a continuation of the existing use agreement or a new use agreement for the project where, in either case, any use restrictions in such agreement are of no lesser duration than the existing use restrictions.

(9) The transfer does not increase the cost (as defined in section 502 of the Congressional Budget Act of 1974, as amended) of any FHA-insured mortgage, except to the extent that appropriations are provided in advance for the amount of any such increased cost.

(d) For purposes of this section—

(1) the terms “low-income” and “very low-income” shall have the meanings provided by the

statute and/or regulations governing the program under which the project is insured or assisted;

(2) the term “multifamily housing project” means housing that meets one of the following conditions—

(A) housing that is subject to a mortgage insured under the National Housing Act;

(B) housing that has project-based assistance attached to the structure including projects undergoing mark to market debt restructuring under the Multifamily Assisted Housing Reform and Affordability Housing Act;

(C) housing that is assisted under section 202 of the Housing Act of 1959, as amended by section 801 of the Cranston-Gonzales National Affordable Housing Act;

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before the enactment of the Cranston-Gonzales National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzales National Affordable Housing Act; or

(F) housing or vacant land that is subject to a use agreement;

(3) the term “project-based assistance” means—

(A) assistance provided under section 8(b) of the United States Housing Act of 1937;

(B) assistance for housing constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of such Act (as such section existed immediately before October 1, 1983);

(C) rent supplement payments under section 101 of the Housing and Urban Development Act of 1965;

(D) interest reduction payments under section 236 and/or additional assistance payments under section 236(f)(2) of the National Housing Act;

(E) assistance payments made under section 202(c)(2) of the Housing Act of 1959; and

(F) assistance payments made under section 811(d)(2) of the Cranston-Gonzalez National Affordable Housing Act;

(4) the term “receiving project or projects” means the multifamily housing project or projects to which some or all of the project-based assistance, debt, and statutorily required low-income and very low-income use restrictions are to be transferred;

(5) the term “transferring project” means the multifamily housing project which is transferring some or all of the project-based assistance, debt, and the statutorily required low-income and very low-income use restrictions to the receiving project or projects; and

(6) the term “Secretary” means the Secretary of Housing and Urban Development.

(e) RESEARCH REPORT.—The Secretary shall conduct an evaluation of the transfer authority under this section, including the effect of such transfers on the operational efficiency, contract rents, physical and financial conditions, and long-term preservation of the affected properties.

SEC. 211. (a) No assistance shall be provided under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) to any individual who—

(1) is enrolled as a student at an institution of higher education (as defined under section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002));

(2) is under 24 years of age;

(3) is not a veteran;

(4) is unmarried;

(5) does not have a dependent child;

(6) is not a person with disabilities, as such term is defined in section 3(b)(3)(E) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(3)(E)) and was not receiving assistance under such section 8 as of November 30, 2005;

(7) is not a youth who left foster care at age 14 or older and is at risk of becoming homeless; and

(8) is not otherwise individually eligible, or has parents who, individually or jointly, are not

eligible, to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f).

(b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (in excess of amounts received for tuition and any other required fees and charges) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

SEC. 212. The funds made available for Native Alaskans under the heading “Native American Housing Block Grants” in title II of this Act shall be allocated to the same Native Alaskan housing block grant recipients that received funds in fiscal year 2005.

SEC. 213. Notwithstanding any other provision of law, in fiscal year 2020, in managing and disposing of any multifamily property that is owned or has a mortgage held by the Secretary of Housing and Urban Development, and during the process of foreclosure on any property with a contract for rental assistance payments under section 8 of the United States Housing Act of 1937 or other Federal programs, the Secretary shall maintain any rental assistance payments under section 8 of the United States Housing Act of 1937 and other programs that are attached to any dwelling units in the property. To the extent the Secretary determines, in consultation with the tenants and the local government, that such a multifamily property owned or held by the Secretary is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of (1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”) and (2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may, in consultation with the tenants of that property, contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance. The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect prior to foreclosure, subject to the exercise of contractual abatement remedies to assist relocation of tenants for imminent major threats to health and safety after written notice to and informed consent of the affected tenants and use of other available remedies, such as partial abatements or receivership. After disposition of any multifamily property described under this section, the contract and allowable rent levels on such properties shall be subject to the requirements under section 524 of MAHRAA.

SEC. 214. Public housing agencies that own and operate 400 or fewer public housing units may elect to be exempt from any asset management requirement imposed by the Secretary of Housing and Urban Development in connection with the operating fund rule: Provided, That an agency seeking a discontinuance of a reduction of subsidy under the operating fund formula shall not be exempt from asset management requirements.

SEC. 215. With respect to the use of amounts provided in this Act and in future Acts for the operation, capital improvement and management of public housing as authorized by sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437g(g)(1), (2)): Provided,

That a public housing agency may not use capital funds authorized under section 9(d) for activities that are eligible under section 9(e) for assistance with amounts from the operating fund in excess of the amounts permitted under section 9(g)(1) or 9(g)(2).

SEC. 216. No official or employee of the Department of Housing and Urban Development shall be designated as an allotment holder unless the Office of the Chief Financial Officer has determined that such allotment holder has implemented an adequate system of funds control and has received training in funds control procedures and directives. The Chief Financial Officer shall ensure that there is a trained allotment holder for each HUD appropriation under the accounts “Executive Offices” and “Administrative Support Offices,” as well as each paragraph receiving appropriations under the heading “Program Office Salaries and Expenses”, “Government National Mortgage Association—Guarantees of Mortgage-Backed Securities Loan Guarantee Program Account”, and “Office of Inspector General” within the Department of Housing and Urban Development.

SEC. 217. The Secretary of the Department of Housing and Urban Development shall, for fiscal year 2020, notify the public through the Federal Register and other means, as determined appropriate, of the issuance of a notice of the availability of assistance or notice of funding availability (NOFA) for any program or discretionary fund administered by the Secretary that is to be competitively awarded. Notwithstanding any other provision of law, for fiscal year 2020, the Secretary may make the NOFA available only on the Internet at the appropriate Government web site or through other electronic media, as determined by the Secretary.

SEC. 218. Payment of attorney fees in program-related litigation shall be paid from the individual program office and Office of General Counsel salaries and expenses appropriations. The annual budget submission for the program offices and the Office of General Counsel shall include any such projected litigation costs for attorney fees as a separate line item request. No funds provided in this title may be used to pay any such litigation costs for attorney fees until the Department submits for review a spending plan for such costs to the House and Senate Committees on Appropriations.

SEC. 219. The Secretary is authorized to transfer up to 10 percent or \$5,000,000, whichever is less, of funds appropriated for any office under the heading “Administrative Support Offices” or for any paragraph under the heading “Program Office Salaries and Expenses” to any other such office or account: Provided, That no appropriation for any such office or account shall be increased or decreased by more than 10 percent or \$5,000,000, whichever is less, without prior written approval of the House and Senate Committees on Appropriations: Provided further, That the Secretary shall provide notification to such Committees three business days in advance of any such transfers under this section up to 10 percent or \$5,000,000, whichever is less.

SEC. 220. (a) Any entity receiving housing assistance payments shall maintain decent, safe, and sanitary conditions, as determined by the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”), and comply with any standards under applicable State or local laws, rules, ordinances, or regulations relating to the physical condition of any property covered under a housing assistance payment contract.

(b) The Secretary shall take action under subsection (c) when a multifamily housing project with a section 8 contract or contract for similar project-based assistance—

(1) receives a Uniform Physical Condition Standards (UPCS) score of 60 or less; or

(2) fails to certify in writing to the Secretary within 3 days that all Exigent Health and Safety deficiencies identified by the inspector at the project have been corrected.

Such requirements shall apply to insured and noninsured projects with assistance attached to the units under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), but do not apply to such units assisted under section 8(o)(13) (42 U.S.C. 1437f(o)(13)) or to public housing units assisted with capital or operating funds under section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437g).

(c)(1) Within 15 days of the issuance of the REAC inspection, the Secretary must provide the owner with a Notice of Default with a specified timetable, determined by the Secretary, for correcting all deficiencies. The Secretary must also provide a copy of the Notice of Default to the tenants, the local government, any mortgagees, and any contract administrator. If the owner's appeal results in a UPCS score of 60 or above, the Secretary may withdraw the Notice of Default.

(2) At the end of the time period for correcting all deficiencies specified in the Notice of Default, if the owner fails to fully correct such deficiencies, the Secretary may—

(A) require immediate replacement of project management with a management agent approved by the Secretary;

(B) impose civil money penalties, which shall be used solely for the purpose of supporting safe and sanitary conditions at applicable properties, as designated by the Secretary, with priority given to the tenants of the property affected by the penalty;

(C) abate the section 8 contract, including partial abatement, as determined by the Secretary, until all deficiencies have been corrected;

(D) pursue transfer of the project to an owner, approved by the Secretary under established procedures, which will be obligated to promptly make all required repairs and to accept renewal of the assistance contract as long as such renewal is offered;

(E) transfer the existing section 8 contract to another project or projects and owner or owners;

(F) pursue exclusionary sanctions, including suspensions or debarments from Federal programs;

(G) seek judicial appointment of a receiver to manage the property and cure all project deficiencies or seek a judicial order of specific performance requiring the owner to cure all project deficiencies;

(H) work with the owner, lender, or other related party to stabilize the property in an attempt to preserve the property through compliance, transfer of ownership, or an infusion of capital provided by a third-party that requires time to effectuate; or

(I) take any other regulatory or contractual remedies available as deemed necessary and appropriate by the Secretary.

(d) The Secretary shall also take appropriate steps to ensure that project-based contracts remain in effect, subject to the exercise of contractual abatement remedies to assist relocation of tenants for major threats to health and safety after written notice to the affected tenants. To the extent the Secretary determines, in consultation with the tenants and the local government, that the property is not feasible for continued rental assistance payments under such section 8 or other programs, based on consideration of—

(1) the costs of rehabilitating and operating the property and all available Federal, State, and local resources, including rent adjustments under section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (“MAHRAA”); and

(2) environmental conditions that cannot be remedied in a cost-effective fashion, the Secretary may contract for project-based rental assistance payments with an owner or owners of other existing housing properties, or provide other rental assistance.

(e) The Secretary shall report quarterly on all properties covered by this section that are assessed through the Real Estate Assessment Center and have UPCS physical inspection scores of

less than 60 or have received an unsatisfactory management and occupancy review within the past 36 months. The report shall include—

(1) the enforcement actions being taken to address such conditions, including imposition of civil money penalties and termination of subsidies, and identify properties that have such conditions multiple times;

(2) actions that the Department of Housing and Urban Development is taking to protect tenants of such identified properties; and

(3) any administrative or legislative recommendations to further improve the living conditions at properties covered under a housing assistance payment contract.

This report shall be due to the Senate and House Committees on Appropriations no later than 30 days after the enactment of this Act, and on the first business day of each Federal fiscal year quarter thereafter while this section remains in effect.

SEC. 221. None of the funds made available by this Act, or any other Act, for purposes authorized under section 8 (only with respect to the tenant-based rental assistance program) and section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), may be used by any public housing agency for any amount of salary, including bonuses, for the chief executive officer of which, or any other official or employee of which, that exceeds the annual rate of basic pay payable for a position at level IV of the Executive Schedule at any time during any public housing agency fiscal year 2020.

SEC. 222. None of the funds in this Act provided to the Department of Housing and Urban Development may be used to make a grant award unless the Secretary notifies the House and Senate Committees on Appropriations not less than 3 full business days before any project, State, locality, housing authority, tribe, nonprofit organization, or other entity selected to receive a grant award is announced by the Department or its offices.

SEC. 223. None of the funds made available by this Act may be used to require or enforce the Physical Needs Assessment (PNA).

SEC. 224. None of the funds made available in this Act shall be used by the Federal Housing Administration, the Government National Mortgage Administration, or the Department of Housing and Urban Development to insure, securitize, or establish a Federal guarantee of any mortgage or mortgage backed security that refinances or otherwise replaces a mortgage that has been subject to eminent domain condemnation or seizure, by a State, municipality, or any other political subdivision of a State.

SEC. 225. None of the funds made available by this Act may be used to terminate the status of a unit of general local government as a metropolitan city (as defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302)) with respect to grants under section 106 of such Act (42 U.S.C. 5306).

SEC. 226. Amounts made available under this Act which are either appropriated, allocated, advanced on a reimbursable basis, or transferred to the Office of Policy Development and Research in the Department of Housing and Urban Development and functions thereof, for research, evaluation, or statistical purposes, and which are unexpended at the time of completion of a contract, grant, or cooperative agreement, may be deobligated and shall immediately become available and may be reobligated in that fiscal year or the subsequent fiscal year for the research, evaluation, or statistical purposes for which the amounts are made available to that Office subject to reprogramming requirements in section 405 of this Act.

SEC. 227. Funds made available in this title under the heading “Homeless Assistance Grants” may be used by the Secretary to participate in Performance Partnership Pilots authorized under section 526 of division H of Public Law 113–76, section 524 of division G of Public Law 113–235, section 525 of division H of Public

Law 114–113, and such authorities as are enacted for Performance Partnership Pilots in an appropriations Act for fiscal year 2019: Provided, That such participation shall be limited to no more than 10 continuums of care and housing activities to improve outcomes for disconnected youth.

SEC. 228. With respect to grant amounts awarded under the heading “Homeless Assistance Grants” for fiscal years 2015 and subsequent fiscal years for the continuum of care (CoC) program as authorized under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, costs paid by program income of grant recipients may count toward meeting the recipient’s matching requirements, provided the costs are eligible CoC costs that supplement the recipient’s CoC program.

SEC. 229. (a) From amounts made available under this title under the heading “Homeless Assistance Grants”, the Secretary may award 1-year transition grants to recipients of funds for activities under subtitle C of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.) to transition from one Continuum of Care program component to another.

(b) No more than 50 percent of each transition grant may be used for costs of eligible activities of the program component originally funded.

(c) Transition grants made under this section are eligible for renewal in subsequent fiscal years for the eligible activities of the new program component.

(d) In order to be eligible to receive a transition grant, the funding recipient must have the consent of the Continuum of Care and meet standards determined by the Secretary.

SEC. 230. None of the funds made available by this Act may be used by the Department of Housing and Urban Development to direct a grantee to undertake specific changes to existing zoning laws as part of carrying out the final rule entitled “Affirmatively Furthering Fair Housing” (80 Fed. Reg. 42272 (July 16, 2015)) or the notice entitled “Affirmatively Furthering Fair Housing Assessment Tool” (79 Fed. Reg. 57949 (September 26, 2014)).

SEC. 231. (a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury of the United States a fund to be known as HUD HAG Fund (in this section referred to as the “Fund”).

(b) CREDITS TO FUND.—

(1) FUTURE TRANSFERS.—Unobligated balances of recaptured funds (except for amounts necessary for grant amount corrections) appropriated by any Act in this or any subsequent fiscal year under the account for “Department of Housing and Urban Development—Community Planning and Development—Homeless Assistance Grants” (in this section referred to as the “HAG account”) shall be transferred into the Fund.

(2) RESCISSION AND AVAILABILITY OF FISCAL YEAR 2018 AMOUNTS.—Of any amounts appropriated under the HAG account by the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2018 (division L of Public Law 115–141), 90 percent of any balances remaining unobligated as of September 1, 2020, are hereby rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated and shall be transferred to the Fund.

(c) PURPOSES.—Amounts transferred to the Fund shall be available until expended, and in addition to such other funds as may be available for such purposes, only for the following purposes:

(1) For grants under the Continuum of Care program under subtitle C of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11381 et seq.).

(2) For grants under the Emergency Solutions Grant program under subtitle B of title IV of such Act (42 U.S.C. 11371 et seq.).

(3) Not less than 10 percent of amounts transferred to the Fund shall be used only for grants,

as established and determined by the Secretary, in rural areas.

(4) Not less than 10 percent of amounts transferred to the Fund shall be used for grants, as established and determined by the Secretary, only pursuant to the declaration of a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in the most impacted and distressed areas resulting from such disaster.

(d) TRANSFER FOR USE.—

(1) Amounts in the Fund shall be transferred to the HAG account before obligation and expenditure.

(2) Amounts in the Fund may be transferred to the HAG account only after the expiration of the 15-day period beginning upon the day that the Secretary of Housing and Urban Development submits written notice to the Committees on Appropriations of the House of Representatives and the Senate of the planned use of such transferred amounts, except that amounts transferred for the purposes specified in subsection (c)(4) may be transferred with concurrent written notice to such Committees.

SEC. 232. The Promise Zone designations and Promise Zone Designation Agreements entered into pursuant to such designations, made by the Secretary of Housing and Urban Development in prior fiscal years, shall remain in effect in accordance with the terms and conditions of such agreements.

SEC. 233. None of the funds made available by this Act may be used to establish and apply review criteria, including rating factors or preference points, for participation in or coordination with EnVision Centers, in the evaluation, selection, and award of any funds made available and requiring competitive selection under this Act, except with respect to any such funds otherwise authorized for EnVision Center purposes under this Act.

SEC. 234. None of the funds made available to the Department of Housing and Urban Development by this or any other Act may be used to implement, administer, enforce, or in any way make effective the proposed rule entitled “Housing and Community Development Act of 1980: Verification of Eligible Status”, issued by the Department of Housing and Urban Development on May 10, 2019 (Docket No. FR-6124-P-01), or any final rule based substantially on such proposed rule.

SEC. 235. (a) The Secretary of Housing and Urban Development shall make available to grantees under programs included under the Department’s Consolidated Planning Process, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, the prepopulated up-to-date housing and economic data and data for both broadband and resilience assessment requirements, as referred to in the HUD Response to the third comment under section III.A. of the Supplementary Information included with the final rule entitled “Modernizing HUD’s Consolidated Planning Process To Narrow the Digital Divide and Increase Resilience to Natural Hazards”, published by the Department of Housing and Urban Development in the Federal Register on Friday, December 16, 2016 (81 Fed. Reg. 91000).

(b) The Secretary of Housing and Urban Development shall require such grantees to incorporate the broadband and resilience components into the Consolidated Plan process not later than the expiration of the 270-day period beginning on the date of the enactment of this Act.

SEC. 236. None of the funds made available to the Department of Housing and Urban Development by this or any other Act may be used to implement, administer, enforce, or in any way make effective any rule making any change to the rule entitled “Equal Access in Accordance With an Individual’s Gender Identity in Community Planning and Development Programs” published by the Department of Housing and Urban Development in the Federal Register on September 21, 2016 (81 Fed. Reg. 64763) or to the

rule entitled “Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity” published by such Department in the Federal Register on February 3, 2012 (77 Fed. Reg. 5662).

SEC. 237. Notwithstanding any other provision of law, the notice issued by the Department of Housing and Urban Development on February 20, 2015, and entitled “Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities” (Notice CPD-15-02) shall have the force and effect of law.

SEC. 238. The Secretary of Housing and Urban Development may not, in this fiscal year or any fiscal year thereafter, implement, require, enforce, or otherwise make effective any change, amendment, or alteration to any term or condition of the Annual Contributions Contract between the Secretary and any public housing agency, as such contract was in effect as of January 1, 2018, unless such change, amendment, or alteration is made pursuant to a rule issued after notice and an opportunity for public comment and in accordance with the procedure under section 553 of title 5, United States Code, applicable to substantive rules.

This title may be cited as the “Department of Housing and Urban Development Appropriations Act, 2020”.

### TITLE III

#### RELATED AGENCIES

##### ACCESS BOARD

##### SALARIES AND EXPENSES

For expenses necessary for the Access Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, \$8,400,000: Provided, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

##### FEDERAL MARITIME COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 307), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902, \$28,000,000: Provided, That not to exceed \$2,000 shall be available for official reception and representation expenses.

##### NATIONAL RAILROAD PASSENGER CORPORATION

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General for the National Railroad Passenger Corporation to carry out the provisions of the Inspector General Act of 1978, as amended, \$23,274,000: Provided, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3), to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the National Railroad Passenger Corporation: Provided further, That the Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, subject to the applicable laws and regulations that govern the obtaining of such services within the National Railroad Passenger Corporation: Provided further, That the Inspector General may select, appoint, and employ such officers and employees as may be necessary for carrying out the functions, powers, and duties of the Office of Inspector General, subject to the applicable laws and regulations that govern such selections, appointments, and employment within the Corporation: Provided further, That concurrent with the President’s budget request for fiscal year 2021, the Inspector General shall

submit to the House and Senate Committees on Appropriations a budget request for fiscal year 2021 in similar format and substance to those submitted by executive agencies of the Federal Government.

##### NATIONAL TRANSPORTATION SAFETY BOARD SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902), \$110,400,000, of which not to exceed \$2,000 may be used for official reception and representation expenses. The amounts made available to the National Transportation Safety Board in this Act include amounts necessary to make lease payments on an obligation incurred in fiscal year 2001 for a capital lease.

##### NEIGHBORHOOD REINVESTMENT CORPORATION PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), \$170,000,000, of which \$5,000,000 shall be for a multi-family rental housing program.

##### SURFACE TRANSPORTATION BOARD

##### SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, \$37,100,000: Provided, That notwithstanding any other provision of law, not to exceed \$1,250,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: Provided further, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2020, to result in a final appropriation from the general fund estimated at no more than \$35,850,000.

##### UNITED STATES INTERAGENCY COUNCIL ON HOMELESSNESS

##### OPERATING EXPENSES

For necessary expenses (including payment of salaries, authorized travel, hire of passenger motor vehicles, the rental of conference rooms, and the employment of experts and consultants under section 3109 of title 5, United States Code) of the United States Interagency Council on Homelessness in carrying out the functions pursuant to title II of the McKinney-Vento Homeless Assistance Act, as amended, \$4,100,000, to remain available until September 30, 2021.

### TITLE IV

#### GENERAL PROVISIONS—THIS ACT

SEC. 401. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 402. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 403. The expenditure of any appropriation under this Act for any consulting service through a procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 404. (a) None of the funds made available in this Act may be obligated or expended for any employee training that—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluation;

(4) contains any methods or content associated with religious or quasi-religious belief systems or “new age” belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; or

(5) is offensive to, or designed to change, participants’ personal values or lifestyle outside the workplace.

(b) Nothing in this section shall prohibit, restrict, or otherwise preclude an agency from conducting training bearing directly upon the performance of official duties.

SEC. 405. Except as otherwise provided in this Act, none of the funds provided in this Act, provided by previous appropriations Acts to the agencies or entities funded in this Act that remain available for obligation or expenditure in fiscal year 2020, or provided from any accounts in the Treasury derived by the collection of fees and available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds that—

(1) creates a new program;

(2) eliminates a program, project, or activity;

(3) increases funds or personnel for any program, project, or activity for which funds have been denied or restricted by the Congress;

(4) proposes to use funds directed for a specific activity by either the House or Senate Committees on Appropriations for a different purpose;

(5) augments existing programs, projects, or activities in excess of \$5,000,000 or 10 percent, whichever is less;

(6) reduces existing programs, projects, or activities by \$5,000,000 or 10 percent, whichever is less; or

(7) creates, reorganizes, or restructures a branch, division, office, bureau, board, commission, agency, administration, or department different from the budget justifications submitted to the Committees on Appropriations or the table accompanying the joint explanatory statement accompanying this Act, whichever is more detailed, unless prior approval is received from the House and Senate Committees on Appropriations: Provided, That not later than 60 days after the date of enactment of this Act, each agency funded by this Act shall submit a report to the Committees on Appropriations of the Senate and of the House of Representatives to establish the baseline for application of reprogramming and transfer authorities for the current fiscal year: Provided further, That the report shall include—

(A) a table for each appropriation with a separate column to display the prior year enacted level, the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(B) a delineation in the table for each appropriation and its respective prior year enacted level by object class and program, project, and activity as detailed in this Act, the table accompanying the explanatory statement accompanying this Act, accompanying reports of the House and Senate Committee on Appropriations, or in the budget appendix for the respective appropriations, whichever is more detailed, and shall apply to all items for which a dollar amount is specified and to all programs for which new budget (obligational) authority is provided, as well as to discretionary grants and discretionary grant allocations; and

(C) an identification of items of special congressional interest.

SEC. 406. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 2020 from appropriations made available for salaries and expenses for fiscal year 2020 in this Act, shall remain available through September 30, 2021, for each such account for the purposes authorized: Provided, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds: Provided further, That these requests shall be made in compliance with reprogramming guidelines under section 405 of this Act.

SEC. 407. No funds in this Act may be used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use: Provided, That for purposes of this section, public use shall not be construed to include economic development that primarily benefits private entities: Provided further, That any use of funds for mass transit, railroad, airport, seaport or highway projects, as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

SEC. 408. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriations Act.

SEC. 409. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his or her period of active military or naval service, and has within 90 days after his or her release from such service or from hospitalization continuing after discharge for a period of not more than 1 year, made application for restoration to his or her former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his or her former position and has not been restored thereto.

SEC. 410. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 8301–8305, popularly known as the “Buy American Act”).

SEC. 411. No funds appropriated or otherwise made available under this Act shall be made available to any person or entity that has been convicted of violating the Buy American Act (41 U.S.C. 8301–8305).

SEC. 412. None of the funds made available in this Act may be used for first-class airline accommodations in contravention of sections 301–10.122 and 301–10.123 of title 41, Code of Federal Regulations.

SEC. 413. (a) None of the funds made available by this Act may be used to approve a new foreign air carrier permit under sections 41301 through 41305 of title 49, United States Code, or exemption application under section 40109 of that title of an air carrier already holding an air operators certificate issued by a country that is party to the U.S.-E.U.-Iceland-Norway Air Transport Agreement where such approval

would contravene United States law or Article 17 bis of the U.S.-E.U.-Iceland-Norway Air Transport Agreement.

(b) Nothing in this section shall prohibit, restrict or otherwise preclude the Secretary of Transportation from granting a foreign air carrier permit or an exemption to such an air carrier where such authorization is consistent with the U.S.-E.U.-Iceland-Norway Air Transport Agreement and United States law.

SEC. 414. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 employees of a single agency or department of the United States Government, who are stationed in the United States, at any single international conference unless the relevant Secretary reports to the House and Senate Committees on Appropriations at least 5 days in advance that such attendance is important to the national interest: Provided, That for purposes of this section the term “international conference” shall mean a conference occurring outside of the United States attended by representatives of the United States Government and of foreign governments, international organizations, or nongovernmental organizations.

SEC. 415. None of the funds appropriated or otherwise made available under this Act may be used by the Surface Transportation Board to charge or collect any filing fee for rate or practice complaints filed with the Board in an amount in excess of the amount authorized for district court civil suit filing fees under section 1914 of title 28, United States Code.

SEC. 416. None of the funds made available by this Act may be used by the Department of Transportation, the Department of Housing and Urban Development, or any other Federal agency to lease or purchase new light duty vehicles for any executive fleet, or for an agency's fleet inventory, except in accordance with Presidential Memorandum—Federal Fleet Performance, dated May 24, 2011.

SEC. 417. (a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 418. (a) None of the funds made available in this Act may be used to deny an Inspector General funded under this Act timely access to any records, documents, or other materials available to the department or agency over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.), or to prevent or impede that Inspector General's access to such records, documents, or other materials, under any provision of law, except a provision of law that expressly refers to the Inspector General and expressly limits the Inspector General's right of access.

(b) A department or agency covered by this section shall provide its Inspector General with access to all such records, documents, and other materials in a timely manner. A department or agency shall not withhold or delay access by the Inspector General in order to conduct internal reviews of responsive documents, nor shall privileges preventing release of agency documents to third parties be a basis for withholding or delaying access to the Inspector General.

(c) Each Inspector General shall ensure compliance with statutory limitations on disclosure relevant to the information provided by the establishment over which that Inspector General has responsibilities under the Inspector General Act of 1978 (5 U.S.C. App.).

(d) Each Inspector General covered by this section shall report to the Committees on Appropriations of the House of Representatives and the Senate within 5 calendar days any failures to comply with this requirement. Within 5 cal-

endar days of the Inspector General's report, the department or agency will provide the Committees on Appropriations of the House of Representatives and the Senate with an accounting of timeframe and efforts by the agency to provide OIG access.

SEC. 419. None of the funds appropriated or otherwise made available by this Act may be used to pay award or incentive fees for contractors whose performance has been judged to be below satisfactory, behind schedule, over budget, or has failed to meet the basic requirements of a contract, unless the Agency determines that any such deviations are due to unforeseeable events, government-driven scope changes, or are not significant within the overall scope of the project and/or program unless such awards or incentive fees are consistent with 16.401(e)(2) of the Federal Acquisition Regulations.

SEC. 420. Except as expressly provided otherwise, any reference to “this Act” contained in this division shall be treated as referring only to the provisions of this division.

SEC. 421. Any reference to a “report accompanying this Act” contained in this division shall be treated as a reference to House Report 116-106. The effect of such Report shall be limited to this division and shall apply for purposes of determining the allocation of funds provided by, and the implementation of, this division.

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2020”.

## **DIVISION F—FAIR COMPENSATION FOR LOW-WAGE CONTRACTOR EMPLOYEES ACT OF 2019**

### **SECTION 1. SHORT TITLE.**

This division may be cited as the “Fair Compensation for Low-Wage Contractor Employees Act of 2019”.

### **SEC. 2. APPROPRIATION.**

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until expended, for each Federal agency subject to the lapse in appropriations that began on or about December 22, 2018, for adjustments in the price of contracts of such agency under section 3.

### **SEC. 3. BACK COMPENSATION FOR LOW-WAGE EMPLOYEES OF GOVERNMENT CONTRACTORS IN CONNECTION WITH THE LAPSE IN APPROPRIATIONS.**

(a) IN GENERAL.—Each Federal agency subject to the lapse in appropriations that began on or about December 22, 2018, shall adjust the price of any contract of such agency for which the contractor was ordered to suspend, delay, or interrupt all or part of the work of such contract, or stop all or any part of the work called for in such contract, as a result of the lapse in appropriations to compensate the contractor for reasonable costs incurred—

(1) to provide compensation, at an employee's standard rate of compensation, to any employee who was furloughed or laid off, or who was not working, who experienced a reduction of hours, or who experienced a reduction in compensation, as a result of the lapse in appropriations (for the period of the lapse); or

(2) to restore paid leave taken by any employee during the lapse in appropriations, if the contractor required employees to use paid leave as a result of the lapse in appropriations.

(b) LIMITATION ON AMOUNT OF WEEKLY COMPENSATION COVERED BY ADJUSTMENT.—The maximum amount of weekly compensation of an employee for which an adjustment may be made under subsection (a) may not exceed the lesser of—

(1) the employee's actual weekly compensation; or

(2) \$965.

(c) TIMING OF ADJUSTMENTS.—The adjustments required by subsection (a) shall be made as soon as practicable after the enactment of this act.



(d) DEFINITIONS.—In this section:

(1) The term “compensation” has the meaning given that term in section 6701 of title 41, United States Code.

(2) The term “employee” means the following:

(A) A “service employee” as that term is defined in section 6701(3) of title 41, United States Code, except that the term also includes service employees described in subparagraph (C) of that section notwithstanding that subparagraph.

(B) A “laborer or mechanic” covered by section 3142 of title 40, United States Code.

#### SEC. 4. EFFECTIVE DATE.

This division shall take effect upon the date of enactment of this Act.

#### SEC. 5. BUDGETARY EFFECTS.

(a) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this division shall not be estimated—

(1) for purposes of section 251 of such Act; and

(2) for purposes of paragraph (4)(C) of section 3 of the Statutory Pay-As-You-Go Act of 2010 as being included in an appropriation Act.

(b) DETERMINATION OF BUDGETARY EFFECTS.—The budgetary effects of this division, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this division, submitted for printing in the Congressional Record by the Chairman of the House Budget Committee, provided that such statement has been submitted prior to the vote on passage.

#### DIVISION G—EMPLOYMENT AUTHORITY

SEC. 1. Notwithstanding any other provision of law, an entity may use amounts appropriated or otherwise made available under the Legislative Branch Appropriations Act, 2020, to pay the compensation of an officer or employee without regard to the officer’s or employee’s immigration status if the officer or employee has been issued an employment authorization document under the Deferred Action for Childhood Arrivals Program of the Secretary of Homeland Security, established pursuant to the memorandum of the Secretary of Homeland Security entitled “Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children”, dated June 15, 2012.

SEC. 2. Notwithstanding any other provision of law or regulation, an alien who is authorized to be employed in the United States pursuant to the Deferred Action for Childhood Arrivals program established under the memorandum of the Secretary of Homeland Security dated June 15, 2012, shall be eligible for employment by the Government (including any entity the majority of the stock of which is owned by the Government).

The Acting CHAIR. No further amendment to the bill, as amended, shall be in order except those printed in part B of House Report 116–119 not earlier considered as part of amendments en bloc, amendments en bloc, and pro forma amendments described in section 4 of House Resolution 445.

Each further amendment printed in part B of the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as provided by section 4 of House Resolution 445, and

shall not be subject to a demand for division of the question.

It shall be in order at any time for the chair of the Committee on Appropriations or her designee to offer amendments en bloc consisting of further amendments printed in part B of House Report 116–119 not earlier disposed of. Amendments en bloc offered pursuant to this section shall be considered as read, shall be debatable for 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations or their respective designees, shall not be subject to amendment except amendments described in section 4 of House Resolution 445, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BURGESS

The Acting CHAIR. It is now in order to consider amendment No. 1 printed in part B of House Report 116–119.

Mr. BURGESS. Madam Chair, I call up amendment No. 1 to Division A of H.R. 3055.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, line 10, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$2,500,000)”.

Page 55, line 21, after the dollar amount, insert “(increased by \$2,500,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Texas (Mr. BURGESS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. BURGESS. Madam Chair, this amendment increases funding for the Keep Young Athletes Safe Act grant program by \$2.5 million.

The Keep Young Athletes Safe Act grant program provides funding for nonprofit, nongovernmental entities to safeguard amateur athletes in the Olympic program against emotional, physical, and sexual abuse. The United States Center for SafeSport was created in the wake of the Larry Nassar abuse scandal and is a qualifying grant recipient.

Congress only authorized \$2.5 million for fiscal years 2018 through 2022 for this grant. In comparison, the United States Anti-Doping Agency, set up to prevent doping in sport, receives \$14 million annually. Last year, SafeSport said it needed at least \$10 million to be able to serve the athletic community and adequately investigate allegations of abuse.

While no abuse in sport should be tolerated, the protection of our children from sexual misconduct should be a top priority. This amendment doubles the amount appropriated for the Keep Young Athletes Safe Act grant program for a total of \$5 million for fiscal year 2019, half of what is requested by the U.S. Center for SafeSport and \$9 million below the U.S. Anti-Doping Agency.

Many of our young athletes go on to represent the United States in world and Olympic competitions. They deserve to be safe. They deserve to be supported as they pursue their goals and dreams through sport.

Madam Chair, this is a bipartisan amendment, and I encourage my colleagues to vote in favor of protecting young athletes.

Mr. BURGESS. Madam Chair, I yield 2 minutes to the gentlewoman from Indiana (Mrs. BROOKS).

□ 1645

Mrs. BROOKS of Indiana. Madam Chair, I rise today in support of the Burgess-Brooks-DeGette-Kuster amendment that would increase funding for the Keep Young Athletes Safe grant program.

Every young athlete who dreams of the Olympic stage should be able to compete and train in an environment that does not sacrifice their personal safety for athletic excellence.

Unfortunately, this has not always been the case.

In 2016, my home newspaper, The Indianapolis Star, published an investigative piece that exposed extremely troubling allegations of sexual abuse at USA Gymnastics programs across the country by a medical provider, a trainer of our young, Olympic gymnasts.

The U.S. Center for SafeSport, although created in 2011, was finally federally recognized in 2017. It provides services to sports entities on abuse prevention techniques, policies, and programs. It also offers a safe, professional, and confidential place for individuals to report allegations of sexual abuse with the U.S. Olympic and Paralympic movements.

Our amendment today would increase funding for the grant program that works to, as quickly and efficiently as possible, address the more than, right now, over 800 claims of alleged abuse currently before the U.S. Center for SafeSport. It would also allow more investigators to be hired for expanded outreach and education efforts with athletes, coaches, and parents across the country.

Protecting our young athletes from abuse is critically important.

Madam Chair, I urge my colleagues to vote “yes” on the amendment.

Mr. BURGESS. Madam Chair, I yield myself the balance of my time.

Madam Chair, I urge my colleagues to vote in favor of this amendment. It is an important amendment and we need to get this done.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. BURGESS).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MS. SCANLON

The Acting CHAIR. It is now in order to consider amendment No. 2 printed in part B of House Report 116–119.

Ms. SCANLON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 57, line 10, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 57, line 12, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 57, line 22, after the dollar amount, insert “(increased by \$1,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentlewoman from Pennsylvania (Ms. SCANLON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Pennsylvania.

Ms. SCANLON. Madam Chair, thank you for allowing me to speak in support of this amendment.

My amendment would increase funding for juvenile justice programs authorized by the Juvenile Justice and Delinquency Prevention Act.

The JJJPA, which was recently reauthorized under the leadership of my colleagues on the Education and Labor Committee, has been so successful, that 47 States and six U.S. territories voluntarily participate in its programs.

The JJJPA provides Federal funds to the States to decrease the incidence of juvenile delinquency and invest funds in diversionary programs to break the school-to-prison pipeline.

These programs have provided critical support to Pennsylvania's efforts to reform the juvenile justice system and advance evidence-based programs at the local level.

Too often, our most vulnerable youth have been caught in a vicious cycle of poverty and oppression, which can land them in the juvenile justice system, but well-funded, thoughtful juvenile justice programs can divert youth away from the justice system, ensure fair and equitable treatment, and protect incarcerated youth while keeping our communities safe.

In Pennsylvania, projects funded by the JJJPA have been used to train 425 officers in 67 counties in evidence-based, effective, and cutting-edge approaches to working with delinquent youth in ways that are equitable, fair, and targeted to their risks and needs.

Increased funding will allow Pennsylvania and other States to expand and enhance these important programs and help ensure that they are in compliance with updates to the law.

Madam Chair, I am grateful to my colleagues on the Appropriations Committee for increasing funding for these critical programs, but there is still much work to be done.

My amendment would increase the total funding for these programs by \$2 million, representing a modest step in the right direction, and affirming the important partnerships created by the JJJPA to protect children, keep youth out of trouble, and keep our communities safe.

Madam Chair, I urge my colleagues to support the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Pennsylvania (Ms. SCANLON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. RUTHERFORD

The Acting CHAIR. It is now in order to consider amendment No. 3 printed in part B of House Report 116-119.

Mr. RUTHERFORD. Madam Chair, I would like to speak in favor of the amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 8, after the dollar amount, insert “(reduced by \$3,500,000)”.

Page 14, line 3, after the dollar amount, insert “(increased by \$3,500,000)”.

Page 14, line 14, after the dollar amount, insert “(increased by \$3,500,000)”.

Page 14, line 15, after the dollar amount, insert “(increased by \$3,500,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Florida (Mr. RUTHERFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. RUTHERFORD. Madam Chair, I thank the ranking member for this opportunity.

Madam Chair, I represent three coastal counties along northeast Florida's Atlantic Coast, and one of the biggest grievances that I hear in our coastal fishing communities is that there are simply not enough days to fish for red snapper.

Anglers tell me time and time again that they can't fish without catching red snapper. One diver even relayed to me that the red snapper were so thick over the reefs, that you could literally walk across their backs.

Even so, Federal regulators only gave recreational anglers 5 days to fish for red snapper in the South Atlantic this year, down from 6 days the previous year, all of this because NOAA simply does not have accurate data.

Lack of data leads to short seasons or, even worse, no seasons, which devastates both recreational and commercial fishing and significantly impacts Florida's economy.

To fix this problem, my amendment will increase the funding in this bill for data collection of reef fish in the South Atlantic by \$3.5 million, which will bring the total to \$5 million, which is the same amount that has been used for the last few years in the Gulf of Mexico, where it has been incredibly effective.

The funding made available there to improve data collection in the Gulf over the last few years has made significant improvement in Gulf red snapper management. For example, in 2014, the Gulf red snapper season was only 9 days. This year, it is 62 days.

So by providing NOAA with an increase for reef fish data collection in

the South Atlantic, we could ensure commercial and recreational fishermen have stable access to this crucial fishery and enough fishing days to maintain their businesses.

We have seen our neighbors along the Gulf use this funding very successfully. The South Atlantic is in dire need of the same success.

Madam Chair, I urge all my colleagues to support this simple amendment, which will greatly benefit the fishermen and the economies all along the South Atlantic.

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

Mr. SERRANO. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Madam Chair, my primary objection with the gentleman's amendment is with the offset. The National Telecommunications and Information Administration, or NTIA, is not very well known by the American people, but it is quite important.

The NTIA is critical to the deployment of 5G wireless network technology around the country, which is an expressed goal of the majority of Members on both sides of the aisle, as well as the White House.

Additionally, NTIA is working to expand FirstNet, which ensures cell phone connectivity for our first responders in disaster scenarios.

This amendment would cut NTIA's budget by 8 percent. For all these important programs to continue, NTIA's role as the policy leader in the area of cybersecurity, artificial intelligence, and data privacy, I cannot support a big cut to this budget.

Madam Chair, I oppose the amendment and I urge my colleagues to do the same.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. RUTHERFORD).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. RUTHERFORD. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

Mr. CLYBURN. Madam Chair, I rise as the designee of Chairwoman LOWEY, and I move to strike the last word.

The Acting CHAIR. The gentleman from South Carolina is recognized for 5 minutes.

Mr. CLYBURN. Madam Chair, I am a strong supporter of H.R. 3055, an appropriations package that makes essential investments in economic development, the rule of law, agriculture, our public lands, the environment, our military servicemembers, and our veterans.

I rise today to highlight one particular set of provisions in this appropriations package that are critical to

the communities that I represent, the 10-20-30 formula.

This formula requires that at least 10 percent of the funds in the designated accounts be spent in counties with a poverty rate of at least 20 percent for the past 30 years.

The Census Bureau has labeled nearly 500 counties as persistent poverty counties. They are both geographically and ethnically diverse: largely Black in the Deep South, White in Appalachia, Hispanic in the southwest, and Native Americans all across the West. They are politically diverse as well, with nearly three-fourths of them represented by Republicans, one-fourth by Democrats.

The appropriations bills reported by the Appropriations Committee apply the 10-20-30 formula or similar funding set-asides to 17 different accounts, three more than in fiscal year 2019. Sixteen of these accounts are in the package we are considering today, ensuring persistent poverty counties receive much-needed funds for rural development.

This 10-20-30 formula has worked well. This year marks the 10th anniversary of the first time it was enacted in the American Recovery and Reinvestment Act, where it was applied to three accounts.

In the decade since, thanks in no small part to former Appropriations Committee Chairman Hal Rogers and former Speaker Ryan, 10-20-30 accounts have made thousands of investments in persistent poverty counties, totaling billions of dollars.

□ 1700

One of these investments was in brownfields cleanup at the Mack Theater in Irvine, Kentucky, which is in Estill County, Kentucky, in the Sixth Congressional District of Kentucky, represented by Mr. BARR.

Community groups have long sought to restore this theater, which closed in 1993, but previously were unable to address the contamination. Thanks to 10-20-30, the River City Players, a community theater group, is working to reopen the venue, which has the potential to contribute to the revitalization of the entire area.

In addition to the expansion of the 10-20-30 formula in the bill, I also appreciate the language in the committee reports, which expresses support for new targeted funding for high-poverty census tracts that may not be in persistent poverty counties but are often just as much in need.

I look forward to working with the Appropriations Committee to build upon this progress to include high-poverty census tracts in fiscal year 2021 and working with my friends BARBARA LEE and STACEY PLASKETT to ensure all of the necessary communities and territories are included.

Madam Chair, there are many reasons to support this appropriations package. I thank the committee for its longstanding collaboration on 10-20-30,

and I am hopeful that Members on both sides of the aisle will support these targeted investments in persistent poverty communities by supporting this bill.

Mr. SERRANO. Madam Chair, I yield back the balance of my time.

AMENDMENT NO. 4 OFFERED BY MR. SCALISE

The Acting CHAIR. It is now in order to consider amendment No. 4 printed in part B of House Report 116-119.

Mr. SCALISE. Madam Chair, I rise to offer an amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, line 13, after the dollar amount, insert “(increased by \$1,000,000)(reduced by \$1,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Louisiana (Mr. SCALISE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana.

Mr. SCALISE. Madam Chair, I bring a bipartisan amendment that is co-sponsored by Congressman CEDRIC RICHMOND and Congressman GARRET GRAVES. What this amendment is really designed to do is highlight the fact that, as we are embarking upon another mission now to Mars, an ambitious mission to get men back into space, ultimately to go back to the Moon, that we also want to make sure that, as we are investing billions of dollars in this incredible equipment and incredible technology that America has been so ingenuitive in designing, that we also make sure we are maintaining those facilities that are key components to building a lot of that technology and building these massive rockets, like the SLS for Orion.

I am proud that we have the Michoud Assembly Facility in New Orleans. It is actually in Congressman RICHMOND's district and has been a key component to the space program going back to the Apollo days. There is tremendous pride with the workforce and these massive facilities that help design and build this incredible technology that allows these missions to the Moon and these missions to Mars, ultimately.

So, as America is embarking on this great mission and an ambitious mission that we should always continue to achieve, we are proud of our Administrator of NASA, Jim Bridenstine, who actually came from this House, served in this House, and now is very engaged in making sure that this next ambitious mission to both the Moon and to Mars is being carried out properly.

Again, we just want to highlight the fact that, as we are doing this, we want to also make sure that we are maintaining those facilities that are going to build the massive rockets and other technology and equipment that will get us there.

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

Mr. ADERHOLT. Madam Chair, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. ADERHOLT. Madam Chair, I rise in support of this amendment offered by the gentleman from Louisiana.

NASA's plan for facilities to support our human exploration mission is not sufficient, because nothing is more important than keeping our American astronauts alive and safe on these exploration missions.

We will continue to support robust funding for NASA exploration. The funding that is mentioned here, which is part of the SLS Orion and related ground system programs, is critical and supports multiple NASA facilities and personnel, and it even allows NASA engineers to assist commercial space companies with complex engineering challenges.

I urge my colleagues' support of this amendment, Madam Chair, and NASA's exploration programs.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. SCALISE).

The amendment was agreed to.

AMENDMENTS EN BLOC NO. 1 OFFERED BY MR. SERRANO OF NEW YORK

Mr. SERRANO. Madam Chair, pursuant to House Resolution 445, I offer amendments en bloc, which are at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 1 consisting of amendment Nos. 5, 8, 14, 21, 29, 33, 37, 42, 45, 47, 59, 60, 62, 63, 64, 77, 80, and 87 printed in part B of House Report 116-119, offered by Mr. SERRANO of New York:

AMENDMENT NO. 5 OFFERED BY MS. NORTON OF DISTRICT OF COLUMBIA

At the end of Division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used to carry out section 3622(c)(2) of title 18, United States Code.

AMENDMENT NO. 8 OFFERED BY MS. WATERS OF CALIFORNIA

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 57, line 10, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 57, line 22, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 58, line 1, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 14 OFFERED BY MS. VELÁZQUEZ OF NEW YORK

Page 37, line 8, after the dollar amount, insert “(reduced by \$1) (increased by \$1)”.

AMENDMENT NO. 21 OFFERED BY MR. PASCRELL OF NEW JERSEY

Page 24, line 6, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 51, line 15, after the dollar amount, insert “(increased by \$5,000,000)”.

AMENDMENT NO. 29 OFFERED BY MS. MOORE OF WISCONSIN

Page 41, line 1, after the dollar amount, insert “(increased by \$5,000,000)”.

Page 44, line 17, after the dollar amount, insert “(increased by \$5,000,000)”.

AMENDMENT NO. 33 OFFERED BY MR. COHEN OF TENNESSEE

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_ (a) None of the funds appropriated or otherwise made available by this

Act may be made available to enter into any new contract, grant, or cooperative agreement with any entity listed in subsection (b).

(b) The entities listed in this subsection are the following:

Trump International Hotel & Tower Chicago, Chicago, IL	Trump International Hotel & Golf Links Ireland (formerly The Lodge at Doonbeg), Doonbeg, Ireland	Trump International Hotel Las Vegas, Las Vegas, NV
Trump National Doral Miami, Miami, FL	Trump International Hotel & Tower New York, New York City, NY	Trump SoHo New York, New York City, NY
Trump International Hotel & Tower, Vancouver, Vancouver, Canada	Trump International Hotel Waikiki, Honolulu, HI	Trump International Hotel Washington, DC
Trump Tower, 721 Fifth Avenue, New York City, New York	Trump World Tower, 845 United Nations Plaza, New York City, New York	Trump Park Avenue, 502 Park Avenue, New York City, New York
Trump International Hotel & Tower, NY	Trump Parc East, 100 Central Park South, New York City, New York	Trump Palace, 200 East 69th Street, New York City, New York
Heritage, Trump Place, 240 Riverside Blvd, New York City, New York	Trump Place, 220 Riverside Blvd, New York City, New York	Trump Place, 200 Riverside Blvd, New York City, New York
Trump Grande, Sunny Isles, FL	Trump Hollywood Florida, Hollywood, Florida	Trump Plaza, New Rochelle, NY
Trump Tower at City Center, Westchester, NY	Trump Park Residences, Yorktown, NY	Trump Parc Stamford, Stamford, Connecticut
Trump Plaza Residences, Jersey City, NJ	The Estate at Trump National, Los Angeles, CA	Trump Towers Pune, India, Pune, India
Trump Tower Mumbai, India, Mumbai, India	Trump Towers Makati, Philippines, Makati, Philippines	Trump International Vancouver, Vancouver, Canada
Trump Towers Istanbul, Sisli, Istanbul, Sisli	Trump Tower Punta Del Este, Uruguay, Punta Sel Este, Uruguay	
Briar Hall Operations LLC, New York, New York	DT Dubai Golf Manager LLC, New York, New York	DT Dubai Golf Manager Member Corp, New York, New York
DT Dubai II Golf Manager LLC, New York, New York	DT Home Marks International LLC, New York, New York	DT Home Marks International Member Corp, New York, New York
DT India Venture LLC, New York, New York	DT India Venture Managing Member Corp, New York, New York	DT Marks Baku LLC, New York, New York
DT Marks Baku Managing Member Corp, New York, New York	DT Marks Dubai LLC, New York, New York	DT Marks Dubai Member Corp, New York, New York
DT Marks Dubai II LLC, New York, New York	DT Marks Dubai II Member Corp, New York, New York	
DT Marks Gurgaon LLC, New York, New York	DT Marks Gurgaon Managing Member Corp, New York, New York	DT Marks Jersey City LLC, New York, New York
DT Marks Jupiter LLC, New York, New York	DT Mark Qatar LLC, New York, New York	DT Marks Qatar Member Corp, New York, New York
DT Marks Products International LLC, New York, New York	DT Marks Product International Member Corp, New York, New York	DT Marks Pune LLC, New York, New York
DT Marks Pune Managing Member Corp, New York, New York	DT MARKS PUNE II LLC, New York, New York	DT Marks Pune II Managing Member Corp, New York, New York
DT Marks Rio LLC, New York, New York	DT Marks Rio Member Corp, New York, New York	DT Marks Vancouver LP, New York, New York
DT Marks Vancouver Managing Member Corp, New York, New York	DT Marks Worli LLC, New York, New York	DT Marks Worli Member Corp, New York, New York
DT Tower Gurgaon LLC, New York, New York	DT Tower Gurgaon Managing Member Corp, New York, New York	Indian Hills Holdings LLC f/k/a Indian Hills Development LLC, New York, New York
Jupiter Golf Club LLC (Trump National Gold Club-Jupiter), New York, New York	Jupiter Golf Club Managing Member Corp, New York, New York	Lamington Family Holdings LLC, New York, New York
Lawrence Towers Apartments, New York, New York	LFB Acquisition LLC, New York, New York	LFB Acquisition Member Corp, New York, New York
Mar A Lago Club, Inc, Palm Beach, Florida	Mar A Lago Club, L.L.C., New York, New York	Nitto World Co, Limited, Turnberry, Scotland
OPO Hotel Manager LLC, New York, New York	OPO Hotel Manager Member Corp, New York, New York	OWO Developer LLC, New York, New York
TIGL Ireland Enterprises Limited (Trump International Golf Links-Doonbeg), Doonbeg, Ireland	TIGL Ireland Management Limited, Doonbeg, Ireland	Ace Entertainment Holdings Inc (f/k/a Trump Casinos Inc and formerly Trump Taj Mahal, Inc), Atlantic City, NJ
Trump Chicago Commercial Member Corp, New York, New York	Trump Chicago Commercial Manager LLC, New York, New York	Trump Chicago Development LLC, New York, New York
Trump Chicago Hotel Member Corp, New York, New York	Trump Chicago Hotel Manager LLC, New York, New York	Trump Chicago Managing Member LLC, New York, New York
Trump Chicago Member LLC, New York, New York	Trump Chicago Residential Member Corp, New York, New York	Trump Chicago Residential Manager LLC, New York, New York
Trump Chicago Retail LLC, New York, New York	Trump Chicago Retail Manager LLC, New York, New York	Trump Chicago Retail Member Corp, New York, New York

Trump Drinks Israel Holdings LLC, New York, New York	Trump Drinks Israel Holdings Member Corp, New York, New York	Trump Drinks Israel LLC, New York, New York
Trump Drinks Israel Member Corp, New York, New York	Trump Endeavor 12 LLC (Trump National Doral), New York, New York	Trump Endeavor 12 Manager Corp, New York, New York
Trump Golf Acquisitions LLC, New York, New York	Trump Golf Coco Beach LLC, New York, New York	Trump Golf Coco Beach Member Corp, New York, New York
Trump International Development LLC, New York, New York	Trump International Golf Club LC (Trump International Golf Club-Florida), New York, New York	Trump International Golf Club Scotland Limited, Aberdeen, Scotland
Trump International Golf Club, Inc, Palm Beach, Florida	Trump International Hotel and Tower Condominium, New York, New York	Trump International Hotel Hawaii LLC, New York, New York
Trump International Hotels Management LLC, New York, New York	Trump International Management Corp, New York, New York	Trump Korean Projects LLC, New York, New York
Trump Marks Atlanta LLC, New York, New York	Trump Marks Atlanta Member Corp, New York, New York	Trump Marks Baja Corp, New York, New York
Trump Marks Baja LLC, New York, New York	Trump Marks Batumi, LLC, New York, New York	Trump Marks Beverages Corp, New York, New York
Trump Marks Beverages, LLC New York, New York	Trump Marks Canouan Corp, New York, New York	Trump Marks Canouan, LLC New York, New York
Trump Marks Chicago LLC, New York, New York	Trump Marks Chicago Member Corp, New York, New York	Trump Marks Dubai Corp, New York, New York
Trump Marks Dubai LLC, New York, New York	Trump Marks Egypt Corp, New York, New York	Trump Marks Egypt LLC, New York, New York
Trump Marks Fine Foods LLC, New York, New York	Trump Marks Fine Foods Member Corp, New York, New York	Trump Marks Ft. Lauderdale LLC, New York, New York
Trump Marks Ft. Lauderdale Member Corp, New York, New York	Trump Marks GP Corp, New York, New York	Trump Marks Holding LP (FKA Trump Marks LP), New York, New York
Trump Marks Hollywood Corp, New York, New York	Trump Marks Hollywood LLC, New York, New York	Trump Marks Istanbul II Corp, New York, New York
Trump Marks Istanbul II LLC, New York, New York	Trump Marks Jersey City Corp, New York, New York	Trump Marks Jersey City LLC, New York, New York
Trump Marks Mattress LLC, New York, New York	Trump Marks Mattress Member Corp, New York, New York	Trump Marks Menswear LLC, New York, New York
Trump Marks Menswear Member Corp, New York, New York	Trump Marks Mortgage Corp, New York, New York	Trump Marks Mtg LLC, New York, New York
Trump Marks Mumbai LLC, New York, New York	Trump Marks Mumbai Member Corp, New York, New York	Trump Marks New Rochelle Corp, New York, New York
Trump Marks New Rochelle LLC, New York, New York	Trump Marks Palm Beach Corp, New York, New York	Trump Marks Palm Beach LLC, New York, New York
Trump Marks Panama Corp, New York, New York	Trump Marks Panama LLC, New York, New York	Trump Marks Philadelphia Corp, New York, New York
Trump Marks Philadelphia LLC, New York, New York	Trump Marks Philippines Corp, New York, New York	Trump Marks Philippines LLC, New York, New York
Trump Marks Products LLC, New York, New York	The Trump Organization, Inc, New York, New York	
Trump Marks Products Member Corp, New York, New York	Trump Marks Puerto Rico I LLC, New York, New York	Trump Marks Puerto Rico I Member Corp, New York, New York
Trump Marks Puerto Rico II LLC, New York, New York	Trump Marks Puerto Rico II Member Corp, New York, New York	Trump Marks Punta del Este LLC, New York, New York
Trump Marks Punta del Este Manager Corp, New York, New York	The Donald J. Trump Company LLC, New York, New York	The Trump Marks Real Estate Corp, New York, New York
Trump Marks SOHO License Corp, New York, New York	Trump Marks SOHO LLC, New York, New York	Trump Marks Stamford LLC, New York, New York
Trump Marks Stamford Corp, New York, New York	Trump Marks Sunny Isles I LLC, New York, New York	Trump Marks Sunny Isles I Member Corp, New York, New York
Trump Marks Sunny Isles II LLC, New York, New York	Trump Marks Sunny Isles II Member Corp, New York, New York	Trump Marks Tampa Corp, New York, New York
Trump Marks Tampa LLC, New York, New York	Trump Marks Toronto Corp, New York, New York	Trump Marks Toronto LLC, New York, New York
Trump Marks Toronto LP (formally Trump Toronto Management LP), New York, New York	Trump Marks Waikiki Corp, New York, New York	Trump Marks Waikiki LLC, New York, New York
Trump Marks Westchester Corp, New York, New York	Trump Marks Westchester LLC, New York, New York	Trump Marks White Plains LLC, New York, New York
Trump Miami Resort Management LLC, New York, New York	Trump Miami Resort Management Member Corp, New York, New York	Trump National Golf Club Colts Neck LLC, New York, New York
Trump National Golf Club Colts Neck Member Corp, New York, New York	Trump National Golf Club LLC (Trump National Golf Club- Westchester), New York, New York	Trump National Golf Club Member Corp, New York, New York
Trump National Golf Club Washington DC LCC, New York, New York	Trump National Golf Club Washington DC Member Corp, New York, New York	
	Trump Old Post Office LLC, New York, New York	Trump Old Post Office Member Corp, New York, New York
Trump On the Ocean LLC, New York, New York	Trump Organization LLC, New York, New York	The Trump Organization, New York, New York
Trump Pageants, Inc, New York, New York	Trump Palace Condominium, New York, New York	Trump Palace/Parc LLC, New York, New York

Trump Panama Condominium Management LLC, New York, New York	Trump Panama Condominium Member Corp, New York, New York	Trump Panama Hotel Management LLC, New York, New York
Trump Panama Hotel Management Member Corp, New York, New York	Trump Parc East Condominium, New York, New York	Trump Park Avenue Acquisition LLC, New York, New York
Trump Park Avenue LLC, New York, New York	Trump Payroll Chicago LLC, New York, New York	Trump Payroll Corp, New York, New York
Trump Phoenix Development LLC, New York, New York	Trump Plaza LLC, New York, New York	Trump Plaza Member Inc (F/K/A Trump Plaza Corp), New York, New York
Trump Productions LLC (former Rancho Lien LLC), New York, New York	Trump Production Managing Member Inc, New York, New York	Trump Project Manager Corp, New York, New York
Trump Realty Services, LLC (f/k/a Trump Mortgage Services LLC (03) & Tower Mortgage Services LLC), Palm Beach, Florida	Trump Restaurants LLC, New York, New York	Trump Riverside Management LLC, New York, New York
Trump Ruffin Commercial LLC, New York, New York	Trump Ruffin LLC, Las Vegas, NV	Trump Ruffin Tower I LLC, Las Vegas, NV
Trump Sales & Leasing Chicago LLC, Chicago, IL	Trump Sales & Leasing Chicago Member Corp, Chicago, IL	Trump Scotland Member Inc, Aberdeen, Scotland
Trump Scotsborough Square LLC, Scotsborough Square, VA	Trump SoHo Hotel Condominium New York, New York, New York	Trump SoHo Member LLC, New York, New York
Trump Toronto Hotel Member Corp, New York, New York	Trump Toronto Development Inc, New York, New York	Trump Toronto Member Corp (formally Trump Toronto Management Member Corp), New York, New York
Trump Tower Commercial LLC, New York, New York	Trump Tower Condominium Residential Section, New York, New York	Trump Tower Managing Member Inc, New York, New York
Trump Village Construction Corp, New York, New York	Trump Vineyard Estates LLC, New York, New York	Trump Vineyard Estates Manager Corp, New York, New York
Trump Vineyard Estates Lot 3 Owner LLC (F/K/A Eric Trump Land Holdings LLC), New York, New York	Trump Virginia Acquisitions LLC (fka Virginia Acquisitions LLC), New York, New York	Trump Virginia Acquisitions Manager Corp, New York, New York
Trump Virginia Lot 5 LLC, New York, New York	Trump Virginia Lot 5 Manager Corp, New York, New York	Trump Wine Marks LLC, New York, New York
Trump Wine Marks Member Corp, New York, New York	Trump World Productions LLC, New York, New York	Trump World Productions Manager Corp, New York, New York
Trump World Publications LLC, New York, New York	Trump/New World Property Management LLC, New York, New York	Trump's Castle Management Corp, Atlantic City, NJ
Trump Marks White Plains Corp, New York, New York	Turnberry Scotland Managing Member Corp, Turnberry, Scotland	Turnberry Scotland LLC, Turnberry, Scotland
TW Venture I LLC, Palm Beach, Florida	TW Venture II LLC, Doonbeg, Ireland	TW Venture I Managing Member Corp, Palm Beach, Florida
TW Venture II Managing Member Corp, Doonbeg, Ireland	Ultimate Air Corp, New York, New York	Unit 2502 Enterprises Corp, Chicago, IL
Unit 2502 Enterprises LLC, Chicago, IL	VH Property Corp (Trump National Golf Club-Los Angeles), Los Angeles, CA	VHPS LLC, Los Angeles, CA
West Palm Operations LLC, WPB, Florida	Wexford Hall Inc., New York, New York	White Course LLC, Miami, FL
White Course Managing Member Corp, Miami FL	Wilshire Hall LLC, New York, New York	Wollman Rink Operations LLC, New York, New York
Yorktown Real Estate LLC (F/K/A Yorktown Development Associates LLC), New York, New York	The Fred C. Trump December 16, 1976 Trust- F/B/O Donald J. Trump, New York, New York	The Fred C. Trump December 16, 1976 Trust- F/B/O Robert S. Trump, New York, New York
The Fred C. Trump December 16, 1976 Trust- F/B/O Elizabeth J. Trump, New York, New York	Fred C. Trump GRAT Trust- F/B/O Elizabeth Trump Grau, New York, New York	Trust U/W/O Fred C. Trump- F/B/O Elizabeth Trump Grau, New York, New York
Maryanne Trump GRAT Trust- F/B/O Elizabeth Trump Grau, New York, New York	Trust U/W/O Fred C. Trump- F/B/O the grandchildren of Fred C. Trump, New York, New York	The Donald J. Trump grantor Trust - DJT is the Trustee Successor - Trustee is Donald J. Trump, Jr., New York, New York
The Donald J. Trump Revocable Trust, New York, New York	The Police Athletic League, Inc, New York, New York	DT Bali Golf Manager LLC, New York, New York
DT Bali Golf Manager Member Corp, New York, New York	DT Bali Hotel Manager LLC, New York, New York	DT Bali Hotel Manager Member Corp, New York, New York
DT Bali Technical Services Manager LLC, New York, New York	DT Bali Technical Services Manager Member Corp, New York, New York	DT Connect Europe Limited, Turnberry, Scotland
DT Endeavor I LLC, New York, New York	DT Endeavor I Member Corp, New York, New York	DT Lido Golf Manager LLC, New York, New York
DT Lido Golf Manager Member Corp, New York, New York	DT Lido Hotel Manager LLC, New York, New York	DT Lido Hotel Manager Member Corp, New York, New York
DT Marks Bali LLC, New York, New York	DT Marks Bali Member Corp, New York, New York	DT Marks Lido LLC, New York, New York
DT Marks Lido Member Corp, New York, New York	DT Tower I LLC, New York, New York	DT Tower I Member Corp, New York, New York
DT Tower II LLC, New York, New York	DT Tower II Member Corp, New York, New York	DT Tower Kolkata LLC, New York, New York
DT Tower Kolkata Managing Member Corp, New York, New York	DT Venture I LLC, New York, New York	DT Venture I Member Corp, New York, New York



DT Venture II LLC, New York, New York	DT Venture II Member Corp, New York, New York	DTTM Operations LLC, New York, New York
DTTM Operations Managing Member, New York, New York	EID Venture II LLC, New York, New York	EID Venture II Member Corp, New York, New York
THC DC Restaurant Hospitality LLC, New York, New York	Lamington Farm Club (TRUMP NATIONAL GOLF CLUB-BEDMINSTER)*, Bedminster, NJ	Mobile Payroll Construction LLC, New York, New York
Mobile Payroll Construction Manager Corp, New York, New York	C DEVELOPMENT VENTURES LLC, New York, New York	C DEVELOPMENT VENTURES MEMBER CORP, New York, New York
TC MARKS BUENOS AIRES LLC, New York, New York	WMTMF LLC, New York, New York	Midland Associates, New York, New York
Miss Universe L.P., LLP (formerly Trump Pageants, L.P.), New York, New York	Trump Central Park West Corp, New York, New York	DT Marks Qatar LLC, New York, New York
40 Wall Street LLC, New York, New York	401 North Wabash Venture LLC, Chicago, IL	809 North Canon LLC, Beverly Hills, CA
Caribusiness Investments, S.R.L., Dominican Republic	County Properties, LLC, Norfolk, VA	DJT Aerospace LLC, New York, New York
DJT Operations I LLC, New York, New York	DT Connect II LLC, Palm Beach, Florida	Excel Venture I LLC, St. Martin, French West Indies
Fifty-Seventh Street Associates LLC, New York, New York	Pine Hill Development LLC, Pine Hill, NJ	Seven Springs LLC, Mt. Kisco, NY
Trump Turnberry, Turnberry, Scotland	The East 61 Street Company, LP, New York, New York	The Trump Corporation, New York, New York
TIHT Commercial LLC, New York, New York	TIHT Holding Company LLC, New York, New York	Trump National Golf Club - Hudson Valley, Hopewell Junction, NY
Trump National Golf Club - Charlotte, Charlotte, NC	Trump National Golf Club - Philadelphia, Pine Hill, NJ	Trump International Golf Links - Scotland, Aberdeen, Scotland
Trump Las Vegas Development LLC, Las Vegas, NV	Trump Marks Asia LLC, Sterling, VA	Trump Model Management LLC, New York, New York
Trump National Golf Club - Washington DC, Potomac Falls, VA	1125 South Ocean LLC, Palm Beach, Florida	T Promotions LLC, New York, New York
HWA 555 Owners, LLC, San Francisco, CA	1290 Avenue of the Americas, A Tenancy-In-Common, New York, New York	Trump Tower Triplex, New York, New York
NIKIA DTW VENTURE LLC, Palm Beach, Florida	THC Vancouver Management Corp, Vancouver, Canada	TNGC Jupiter Management Corp, Jupiter, FL
Trump Toronto Hotel Management Corp, New York, New York	Trump Management Inc., Manhasset, NY	THC Miami Restaurant Hospitality LLC, Miami, FL
THC IMEA Development LLC, New York, New York	DT Lido Technical Services Manager LLC, Lido, Indonesia	Trump Las Vegas Sales & Marketing, Inc., Las Vegas, NV
Albemarle Estate, Charlottesville, VA	MacLeod House & Lodge, Aberdeen, Scotland	Trump Golf Links at Ferry Point, New York City, New York
Trump International Golf Club, Dubai, UAE	Trump World Golf Club Dubai, UAE	Trump International Resort & Golf Club Lido, Lido City, Indonesia
Seven Springs, Bedford, NY	Le Chateau des Palmiers, St. Martin, French West Indies	Trump World, Seoul, South Korea
Trump Towers, Sunny Isles, FL		

AMENDMENT NO. 37 OFFERED BY MR. MCNERNEY OF CALIFORNIA

Page 79, line 25, after the dollar amount, insert “(increased by \$5,000,000) (reduced by \$5,000,000)”.

AMENDMENT NO. 42 OFFERED BY MS. ADAMS OF NORTH CAROLINA

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 48, line 22, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 49, line 8, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 45 OFFERED BY MR. BERA OF CALIFORNIA

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 41, line 1, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 47 OFFERED BY MR. CASTRO OF TEXAS

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,500,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$2,500,000)”.

Page 54, line 8, after the dollar amount, insert “(increased by \$2,500,000)”.

Page 54, line 9, after the dollar amount, insert “(increased by \$2,500,000)”.

AMENDMENT NO. 59 OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act to the Department of Justice may be used to prevent the Virgin Islands from implementing its own law that authorizes the use, distribution, possession, or cultivation of medical marijuana.

AMENDMENT NO. 60 OFFERED BY MS. PLASKETT OF VIRGIN ISLANDS

Page 107, line 13, before the period at the end, insert the following: “, or any territory or possession of the United States”.

AMENDMENT NO. 62 OFFERED BY MR. GOTTHEIMER OF NEW JERSEY

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 51, line 22, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 63 OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 46, line 1, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 46, line 8, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 46, line 22, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 64 OFFERED BY MS. JAYAPAL OF WASHINGTON

Page 54, line 5, after the dollar amount, insert “(reduced by \$4,000,000) (increased by \$4,000,000)”.

AMENDMENT NO. 77 OFFERED BY MR. NEGUSE OF COLORADO

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 57, line 10, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 80 OFFERED BY MR. PAPPAS OF NEW HAMPSHIRE

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 54, line 17, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 55, line 17, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 87 OFFERED BY MR. TRONE OF MARYLAND

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,500,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$1,500,000)”.

Page 54, line 17, after the dollar amount, insert “(increased by \$1,500,000)”.

Page 55, line 1, after the dollar amount, insert “(increased by \$1,500,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from New York (Mr. SERRANO) and the gentleman from Alabama (Mr. ADERHOLT) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Madam Chair, the amendments included in the en bloc were made in order by the rule. I support the amendment and urge its adoption.

I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I yield back the balance of my time.

Mr. SERRANO. Madam Chair, I urge adoption of the amendments en bloc.

I yield back the balance of my time.

Ms. MOORE. Madam Chair, my amendment would add an additional \$5 million for DOJ grants to Tribal Governments to support the exercise special jurisdiction over those who commit domestic violence related offenses on tribal lands.

Tribal sovereignty is absolute and non-negotiable.

This amendment fulfills our trust obligation to our First Peoples.

That is why in 2013, when I led VA WA reauthorization, I fought to grant tribes the ability to prosecute those who commit acts of domestic violence on tribal lands.

This ability is essential to protecting American Indian and Alaskan Native women who currently experience the highest rates of domestic and sexual violence.

Relying solely on federal law enforcement to investigate and prosecute these cases has been wholly inadequate, allowing many to escape justice despite committing despicable crimes against Native women.

With this year's VA WA reauthorization, we built on previous changes to allow tribes to act swiftly against those non-Native perpetrators who assault law enforcement, commit sexual violence, engage in sex trafficking, and engage in stalking.

We need to give them funding to robustly carry out existing and new responsibilities. My amendment helps to that.

I thank my cosponsors, Rep. DEB HAALAND, and Rep. SHARICE DAVIDS, for their support and for working on this issue and I urge the House to support my amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New York (Mr. SERRANO).

The en bloc amendments were agreed to.

AMENDMENTS EN BLOC NO. 2 OFFERED BY MR. SERRANO OF NEW YORK

Mr. SERRANO. Madam Chair, pursuant to House Resolution 445, I offer amendments en bloc, which are at the desk.

The Acting CHAIR. The Clerk will designate the amendments en bloc.

Amendments en bloc No. 2 consisting of amendment Nos. 6, 10, 18, 19, 20, 23, 24, 25, 26, 27, 28, 32, 35, 38, 39, 40, 41, 43, 46, 48, 50, 51, 52, 55, 56, 57, 61, 67, 69, 74,

86, 88, and 90 printed in part B of House Report 116–119, offered by Mr. SERRANO of New York:

AMENDMENT NO. 6 OFFERED BY MS. WATERS OF CALIFORNIA

Page 24, line 6, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 41, line 1, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 43, line 10, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 10 OFFERED BY MR. RUSH OF ILLINOIS

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 48, line 20, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 52, line 9, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 52, line 11, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 18 OFFERED BY MR. MCKINLEY OF WEST VIRGINIA

Page 37, line 8, after the first dollar amount, insert “(increased by \$2,000,000) (reduced by \$2,000,000)”.

AMENDMENT NO. 19 OFFERED BY MS. JACKSON OF TEXAS

Page 42, line 3, after the dollar amount, insert “(reduced by \$2,000,000)”.

Page 42, line 3, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 20 OFFERED BY MR. HUDSON OF NORTH CAROLINA

Page 46, line 16, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 23 OFFERED BY MR. LANGEVIN OF RHODE ISLAND

Page 24, line 6, after the dollar amount, insert “(reduced by \$2,700,000)”.

Page 60, line 13, after the dollar amount, insert “(increased by \$2,700,000)”.

Page 60, line 18, after the dollar amount, insert “(increased by \$2,700,000)”.

Page 61, line 8, after the dollar amount, insert “(increased by \$2,700,000)”.

AMENDMENT NO. 24 OFFERED BY MR. YOHO OF FLORIDA

Page 3, line 8, after the first amount, insert “(reduced by \$2,000,000) (increased by \$2,000,000)”.

AMENDMENT NO. 25 OFFERED BY MR. YOHO OF FLORIDA

Page 72, line 4, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 72, line 4, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 26 OFFERED BY MR. LIPINSKI OF ILLINOIS

Page 79, line 25, after the dollar amount, insert “(reduced by \$1,200,000) (increased by \$1,200,000)”.

AMENDMENT NO. 27 OFFERED BY MR. BABIN OF TEXAS

Page 48, line 20, after the dollar amount, insert “(increased by \$5,000,000) (reduced by \$5,000,000)”.

AMENDMENT NO. 28 OFFERED BY MR. BABIN OF TEXAS

Page 14, line 3, after the dollar amount, insert “(reduced by \$3,600,000)”.

Page 18, line 10, after the dollar amount, insert “(increased by \$3,600,000)”.

AMENDMENT NO. 32 OFFERED BY MR. GRAVES OF LOUISIANA

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used in contravention of the national standards for fishery conservation and management as set out in section

301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851).

AMENDMENT NO. 35 OFFERED BY MR. COURTNEY OF CONNECTICUT

Page 12, line 5, after the dollar amount, insert “(reduced by \$4,000,000) (increased by \$4,000,000)”.

AMENDMENT NO. 38 OFFERED BY MR. ESTES OF KANSAS

Page 87, line 16, after the first dollar amount, insert “(increased by \$1,000,000) (reduced by \$1,000,000)”.

AMENDMENT NO. 39 OFFERED BY MR. FOSTER OF ILLINOIS

Page 73, line 20, after the dollar amount, insert “(increased by \$1) (reduced by \$1)”.

AMENDMENT NO. 40 OFFERED BY MR. FOSTER OF ILLINOIS

Page 73, line 17, after the dollar amount, insert “(reduced by \$6,500,000) (increased by \$6,500,000)”.

AMENDMENT NO. 41 OFFERED BY MR. SPANO OF FLORIDA

Page 3, line 8, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 18, line 10, after the dollar amount, insert “(reduced by \$2,000,000)”.

AMENDMENT NO. 43 OFFERED BY MS. ADAMS OF NORTH CAROLINA

Page 41, line 1, after the dollar amount, insert “(increased by \$1,000,000)”.

Page 41, line 15, after the dollar amount, insert “(increased by \$1,000,000)”.

AMENDMENT NO. 46 OFFERED BY MR. GONZALEZ OF TEXAS

Page 25, line 7, after the first dollar amount, insert “(reduced by \$1) (increased by \$1)”.

AMENDMENT NO. 48 OFFERED BY MRS. MURPHY OF FLORIDA

Page 14, line 3, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 14, line 14, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 14, line 15, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 18, line 10, after the dollar amount, insert “(reduced by \$2,000,000)”.

AMENDMENT NO. 50 OFFERED BY MR. PANETTA OF CALIFORNIA

Page 48, line 20, after the dollar amount, insert “(reduced by \$15,000,000) (increased by \$15,000,000)”.

AMENDMENT NO. 51 OFFERED BY MR. PANETTA OF CALIFORNIA

Page 15, line 10, after the dollar amount, insert “(reduced by \$9,000,000) (increased by \$9,000,000)”.

AMENDMENT NO. 52 OFFERED BY MR. RUIZ OF CALIFORNIA

Page 61, line 17, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 55 OFFERED BY MR. TAKANO OF CALIFORNIA

Page 26, line 14, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

AMENDMENT NO. 56 OFFERED BY MR. BEYER OF VIRGINIA

Page 79, line 25, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

AMENDMENT NO. 57 OFFERED BY MR. BEYER OF VIRGINIA

Page 73, line 3, after the dollar amount, insert “(increased by \$20,000,000)”.

Page 73, line 3, after the dollar amount, insert “(reduced by \$20,000,000)”.

AMENDMENT NO. 61 OFFERED BY MS. BLUNT OF ROCHESTER OF DELAWARE

Page 41, line 1, after the dollar amount, insert “(reduced by \$1,000,000) (increased by \$1,000,000)”.

AMENDMENT NO. 67 OFFERED BY MR. DELGADO  
OF NEW YORK

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used by the National Telecommunications and Information Administration to update a broadband availability map using only Form 477 data from the Federal Communications Commission.

AMENDMENT NO. 69 OFFERED BY MRS. FLETCHER  
OF TEXAS

Page 14, line 3, after the dollar amount, insert “(reduced by \$1,500,000) (increased by \$1,500,000)”.

AMENDMENT NO. 74 OFFERED BY MR. MCADAMS  
OF UTAH

Page 24, line 6, after the dollar amount, insert “(decreased by \$2,000,000)”.

Page 57, line 10, after the dollar amount, insert “(increased by \$2,000,000)”.

Page 58, line 15, after the dollar amount, insert “(increased by \$2,000,000)”.

AMENDMENT NO. 86 OFFERED BY MS. TORRES  
SMALL OF NEW MEXICO

Page 8, line 8, after the dollar amount, insert “(increased by \$1,000,000) (reduced by \$1,000,000)”.

AMENDMENT NO. 88 OFFERED BY MR. TRONE OF  
MARYLAND

Page 13, line 3, after the first dollar amount, insert “(increased by \$120,000,000) (reduced by \$120,000,000)”.

AMENDMENT NO. 90 OFFERED BY MR. COLLINS OF  
GEORGIA

Page 50, line 13, insert after the comma the following: “\$20,000,000 is for grants authorized under the Project Safe Neighborhoods Grant Program Authorization Act of 2018 (Public Law 115-185).”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from New York (Mr. SERRANO) and the gentleman from Alabama (Mr. ADERHOLT) each will control 10 minutes.

The Chair recognizes the gentleman from New York.

Mr. SERRANO. Madam Chair, the amendments included in the en bloc were made in order by the rule and have been agreed to by both sides. I support the amendments and urge its adoption.

I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I reserve the balance of my time.

Mr. SERRANO. Madam Chair, I yield 1½ minutes to the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Chair, I thank Chairman SERRANO for yielding.

Madam Chair, I rise in support of amendment No. 35 to direct the National Institute of Standards and Technologies to establish standards for pyrrhotite in concrete aggregate.

Pyrrhotite is a mineral that, unfortunately, has been mixed into concrete aggregate and is widespread in concrete foundations in residential, commercial, and municipal buildings in Connecticut and Massachusetts and parts of Quebec, Canada, that, after exposure to moisture, causes the material to prematurely crumble and collapse because of rusting.

Again, estimates are as high as thousands of structures in the New England region, causing catastrophic losses to homeowners and municipalities.

By establishing standards for pyrrhotite content, NIST could mitigate the problem from occurring in other areas, or at least reducing the costs of mitigation. Right now, any level of pyrrhotite is considered a cancer on a property and makes it unmarketable.

This amendment would allocate \$4 million from the NIST's general operations toward pyrrhotite research, which my office and others have been discussing over the last year, and would require NIST to research best testing methods for pyrrhotite detection as well as developing a pyrrhotite risk rating scale. This amendment would utilize the world's leading researchers to mitigate the cost of this problem.

I urge adoption of the en bloc, and again, I want to thank Mr. ADERHOLT and Mr. SERRANO for their kind support of this measure.

Mr. SERRANO. Madam Chair, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ of Texas. Madam Chair, I rise today to offer bipartisan solutions to a problem.

I would also like to acknowledge my friend and colleague, the gentleman from Ohio, Congressman STIVERS, for his support in this effort.

This problem is in the backyard of every south Texan or any resident along the border. The problem is an immigration system that is ill-equipped to process immigrants on our southern border.

I assure you, we understand the complexity and the problem with much more compassion than anyone in this country. The only way to relieve pressure in this pressure cooker of a system is to process these cases more efficiently.

In 2016, we had record-breaking numbers of cases. We had 521,000 cases. The number now is 876,000 cases waiting for asylum in this country.

I asked a simple question of the Executive Office for Immigration Review. I asked: What will it take to get these cases processed and up to date so that immigrants may have a hearing on their claim within the same year? The answer was to increase the agency's ability to hear cases, which means more judges, more benches, and more support staff. That is what my amendment seeks to do.

The only way we can reach into these detention centers is to act immediately. I ask for my colleagues' support.

□ 1715

Mr. ADERHOLT. Madam Chair, I rise in support of this en bloc amendment.

I thank Chairwoman LOWEY and Chairman SERRANO for working with our side of the aisle, including many provisions that are important to many of our Members here on the Republican side.

Included in this en bloc group of amendments are several NASA and

science-related items that I wholeheartedly support.

Congressman BABIN's amendment enables the Office of Space Commerce and the Office, Commercial Remote Sensing Regulatory Affairs to better assist American companies to be globally competitive, while still retaining necessary requirements for consultation with relevant agencies.

Representative FOSTER's amendment emphasizes the need for NASA to move towards a demonstration stage of using safe, low-enriched uranium for power on the Moon and in space, including thermal nuclear propulsion to Mars.

Madam Chair, I appreciate Chairman SERRANO's decision to offer this bipartisan en bloc amendment, and I would urge my colleagues to support it.

I reserve the balance of my time.

Mr. SERRANO. Madam Chair, I support the amendment and urge its adoption. I hope everyone votes for it, and I yield back the balance of my time.

Mr. ADERHOLT. Madam Chair, I yield back the balance of my time.

Mr. BABIN. Madam Chair, my amendment, which is part of the en bloc amendment 2, transfers \$3.6 million to the Department of Commerce Management account from NOAA's Operations, Research, and Facilities account to facilitate the transfer of the Office of Space Commerce and the Office of Commercial Remote Sensing Regulatory Affairs back to where they are authorized by statute, thereby advancing U.S. leadership in space commerce and commercial remote sensing.

Mr. ESTES. Madam Chair, I rise today in support of amendment 38 to Division A of H.R. 3055 regarding a consistent tariff exclusion process under Section 301 of the Trade Act of 1974.

According to the International Trade Administration, Section 301 of the Trade Act provides the United States with the authority to enforce trade agreements, resolve trade disputes, and open foreign markets to U.S. goods and services. It is the principal statutory authority under which the United States may impose trade sanctions on foreign countries that either violate trade agreements or engage in other unfair trade practices.

Since entering office, President Trump has used tariffs to help secure trade deals with partners around the world.

While I don't believe tariffs should be a long-term solution for our trade practices and overall economy, they have been successful in the short-term in bringing countries like China to the negotiating table.

Yet as the process to negotiate new trade deals moves forward, we must do everything possible to limit any potential negative impact on businesses and consumers.

Since enacted, exclusions through Section 301 of the Trade Act have allowed qualifying companies to avoid tariffs on necessary goods. This ensures that companies that can only purchase a certain material or good from one country are not punished if that country is subject to a tariff.

While the administration has established an exclusion process for Tranche 1 and 2 goods, it took prodding from Congress for an exclusion process to be established for 301 tariffs on Tranche 3.

That's why today I am proposing amendment 38 to Division A of H.R. 3055 that would

ensure exclusions are evenly applied to all goods under Section 301.

This amendment provides consistency in the application of Section 301 and seeks to support businesses and consumers which rely on goods covered by the section.

It's important to note this amendment does not support tariffs, which as I said should not be a long-term strategy. However, similar to the intent of language that was included in the Explanatory Statement for the FY19 Continuing Resolution we passed in February, this amendment would ensure that there is a consistent exclusion process for any subsequent 301 tariff rounds.

Just last month, the administration increased tariffs from 10 percent to 25 percent on nearly \$200 billion of Tranche 3 Chinese goods, highlighting the need for a consistent exclusion process moving forward.

This amendment achieves that goal and I ask my colleagues to approve it.

Ms. JACKSON LEE. Madam Chair, I rise in support of Chairwoman LOWEY's En Bloc Amendment No. 2, which includes Jackson Lee Amendment No. 19.

I wish to thank Chairman MCGOVERN and Ranking Member COLE of the Rules Committee for making this Jackson Lee Amendment in order.

I thank Chairman SERRANO and Ranking Member ADERHOLD for their hard work in bringing Division A, the Commerce-Justice-Science portion of this omnibus appropriations legislative package, to the floor.

Madam Chair, thank you for the opportunity to explain my amendment, which is simple and straightforward and ensures that our government works to protect our children.

Jackson Lee Amendment No. 19, reprograms \$2 million in the Office of Justice Programs grant funding to support programs to engage adult men and young persons to reduce and prevent domestic violence against children.

This amendment will help ensure the safety of vulnerable children in at-risk households, who are powerless to getting the help and attention they need from our government.

To illustrate the need for this amendment, let me share with you the tragic case of Maleah Davis, a 4-year-old little girl who lived in Houston.

In the past, Texas Child Protective Services removed Maleah and her two brothers from their home over reports of abuse, but returned them to the home in February.

Maleah's mother dated her boyfriend for years and they shared a toddler son together.

Maleah's mother had gone out of town when she left her daughter under her boyfriend's care.

When the boyfriend initially reported that his girlfriend's daughter was missing, he told detectives he had been attacked by unknown men a day earlier and that they kidnapped Maleah.

However, surveillance video outside of the home shows Maleah never left their apartment after she followed him in, and shows him carrying a laundry basket with a trash bag out of the building a day before he reported her missing.

Maleah's remains were later discovered in a bag along Interstate 30 in Arkansas.

Although the case has not been completed yet, there are valuable lessons that we can learn from Maleah's and similar cases.

There have been similar cases to Maleah where the caretaker initially reports a missing child but we later learn that the caretaker is actually the suspect and perpetrator of the crime.

Similar cases include 5-year-old AJ Freund from Illinois, whose father confessed to hiding his body in the basement, and 7-week-old Shaylie Madden from North Carolina, whose mother has been charged with first-degree attempted murder.

The nation has learned from Maleah and other similar stories that we must do everything in our power to protect at risk children. Maleah Davis should be alive today.

Horrible cases such as this should not be happening in America; we need to make sure our checks and balances are keeping our children safe.

The Jackson Lee Amendment will help to prevent such horrible and tragic deaths of children.

Because with the flexibility provided under this amendment, the Congress expects the Department of Justice to prioritize the safety of children when distributing Office of Justice Programs grants to Child Protective Services agencies and other local government units.

We must honor the legacy of children like Maleah and show our commitment to ensuring the freedom and safety of our American children.

For these reasons, I urge my colleagues to support Jackson Lee Amendment No. 19 by voting for the Chairman's En Bloc Amendment No. 2 to Division A of RCP 116-18.

Mr. BEYER. Madam Chair, my amendment would direct \$20 million from the top line of the Aeronautics account to the Aeronautics Research Mission Directorate 3 into ultra-efficient flight, including electric flight.

The point of the amendment is to help us move our commercial fleet of planes currently dependent on fossil fuels to more climate friendly alternatives.

One key way to do that is to sufficiently invest into the work the Aeronautics Research Mission Directorate is doing into ultra-efficient flight, including electric flight.

In the President's FY20 budget, it specifically said "Electric Aircraft Propulsion is showing great potential and industry interest and is a focus of NASA."

The NASA Electric Aircraft Test Facility is enabling full scale ground test of high-power electric propulsion systems, and technical accomplishments will be building blocks demonstrating progress with integration and test.

In FY 2020, NASA will begin a multi-year effort to solve the technical challenges of a 1MW+ power electric propulsion system.

Further, NASA will initiate new ground and flight research activities to validate these new electric systems in flight."

From NASA's own website, "NASA is investing in Electrified Aircraft Propulsion (EAP) research to improve the fuel efficiency, emissions, and noise levels in commercial transport aircraft."

I'm offering my amendment to ensure that we are actually investing in the pursuit of the electrification of commercial flight.

There is potential but in order to make that potential a reality we need to fund the work of the Aeronautics Research Mission Directorate into ultra-efficient commercial vehicles, including electric flight.

I urge my colleagues to support this amendment.

The Acting CHAIR. The question is on the amendments en bloc offered by the gentleman from New York (Mr. SERRANO).

The en bloc amendments were agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in part B of House Report 116-119.

AMENDMENT NO. 9 OFFERED BY MR. KING OF IOWA

The Acting CHAIR. It is now in order to consider amendment No. 9 printed in part B of House Report 116-119.

Mr. KING of Iowa. Madam Chair, I seek recognition to take up amendment No. 9 made in order by the rule.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 107, strike lines 14 through 18.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Iowa.

Mr. KING of Iowa. Madam Chair, I appreciate the opportunity to take up amendment No. 9. What it does is, it addresses the circumstances of the underlying bill and strikes lines 14 through 18.

Lines 14 through 18, the effect of that language is that it prohibits the U.S. Census from asking the question as to whether a respondent to the Census is a citizen of the United States.

There are people who have political reasons to want to prohibit asking that question, but this great Nation of the United States of America has an obligation to know what percentage of the people within the United States, all of whom will be counted in this Census—the qualifier to be counted in the Census of the United States is be a Homo sapien, and that is all.

So we have several categories: We have categories of U.S. citizens who need to be counted; we have categories of lawful permanent residents who need to be counted; we have categories of visa holders who will be counted; and we have illegal aliens who also will be counted.

I wanted our Commerce Secretary to go further and to count each of these categories separately and ask the question: If you are a citizen, say so; if you are a noncitizen, but you are lawfully present in America, tell us by what legal authority you are; and if you are unlawfully present, give us that answer, too, so we can look at the whole cross section of the 30 million Americans that we are and understand the configuration of our people.

Our Founding Fathers called for a mandatory Census at the end of every 10 years for the purpose of reapportionment and redistricting; and so it has been so very important that, for redistricting purposes, when we count the American people, we know what categories they fit in.

The Commerce Department has dialed this down from the bill that I introduced, and they simply asked to separate the difference between U.S. citizens and noncitizens, which puts illegal aliens and other visa holders in the same category.

I think we should go further, but all we are going to get is citizen or noncitizen, and that is what the Commerce Department has called for.

The legitimacy of that question is important, and it is important that we understand that the voices in this Congress be the voices of American citizens, not the voices of illegal aliens.

There was a study that was done two Censuses ago that showed that six congressional districts in California, theoretically, could have been represented by all illegal aliens. So that diminishes and dilutes the votes and the representation of American citizens.

Furthermore, when electoral votes are cast for the votes of President of the United States, those electoral votes are added up. They also total illegal aliens in the United States of America.

So, for this, I bring this amendment to correct this language, which is in the underlying bill, and assure that we count citizens separate from all the rest and remind people that, even though I would like to be able to count legals and illegals in separate categories and visa holders in separate categories, that isn't even proposed by our Census Department.

This is a mild approach by the Trump administration and is seeking to be undermined by the language that exists in the underlying bill.

Madam Chair, I appreciate the attention, and I reserve the balance of my time.

Mr. SERRANO. Madam Chair, I rise in strong opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Madam Chair, the inclusion of the citizenship question was a unilateral decision by Secretary Ross last year. Secretary Ross chose to overrule recommendations from nonpartisan experts at the Census Bureau and ignore the potential impacts, including those the question would have on response rates to the Census, without rigorous testing and analysis.

Even more recently, additional evidence on the other side's attempts to abuse the Census in an effort to gerrymander districts has come to light. Files recently discovered from a Republican redistricting specialist revealed that the citizenship question would result in a structural electoral advantage for Republicans and non-Hispanic Whites.

The Voting Rights Act enforcement excuse the Republicans lean on is nothing more than a ruse and their solution in search of what they view as a problem.

It is unfortunate that they have turned to the Census to play this polit-

ical game to undermine the American people.

Most changes to the Census undergo years of testing and analysis before being added to the decennial Census form. The reason we have that process is to better understand the impact a change can have on the response rate and accuracy of the Census. It allows for the Bureau to better plan and adjust its operational and outreach strategies.

Census is only testing the impact of the question this summer with results anticipated in October, after critical milestones have passed. The administration leaves no time for the Census to mitigate the potential impact of what they may find.

Wilbur Ross refused to listen to the expert advice of advocates and experts at the Bureau who did not recommend adding an untested question so late in the process.

Additionally, there is no doubt that including this question will have a serious negative impact on the self-response rate of the Census. People would simply choose not to respond to the Census form, and the Bureau will be forced to engage in expensive, in-person follow-up that was not originally assumed in their cost estimate.

This should not be an issue that divides us. It should not matter whether you live in a red or blue State or whether you represent an urban or rural district. The question will impact everyone.

This amendment will reduce the accuracy and increase the undercount in places like Florida, Texas, Alabama, Michigan, California, and New York. This, in turn, will affect reapportionment and the distribution of Federal funds for the next decade in many of the communities we represent.

We can and should do better. Our Constitution is clear. It requires that we count all persons every 10 years.

In conclusion, the issue is very simple: If you represent a community that will be undercounted by this question, then you should oppose the amendment. If you support the strict interpretation of the Constitution, then you should also oppose this amendment.

Madam Chair, I urge a "no" vote, and I reserve the balance of my time.

Mr. KING of Iowa. Madam Chair, I yield as much time as he may consume to the gentleman from Alabama (Mr. ADERHOLT).

Mr. ADERHOLT. Madam Chair, I rise in support of the amendment.

Unfortunately, there is a campaign that seems to be of fear that surrounds this citizenship question. It really should be an educational campaign.

I would just like to reiterate some important facts about the Census itself.

The proposed question regarding citizenship status only asks if a respondent is a citizen, as has already been pointed out. It does not ask if the respondent is here lawfully or not.

Also, a person's response, if they are not a citizen, does not provide the gov-

ernment with any reliable information about whether they are lawfully present in the U.S.

Furthermore, by law, the Census Bureau cannot, and it will not, disclose anyone's sponsor or share data from which any individual can be identified by ICE or any other Federal agency.

Fortunately, the Census Bureau is deploying expert communicators and trusted messengers to conduct local outreach in hard-to-count communities and motivate each and every person to respond to the Census.

A successful 2020 Census will provide a full and accurate and a secure account of every person who is living in the United States, while gathering the data vital to both understanding our Nation's changing demographics and bolstering enforcement of the Voting Rights Act.

The citizenship question does not threaten anyone. The bill includes the outreach sources needed to make this fact abundantly clear to everyone. Inclusion of this provision will only serve to sow more confusion and to make the allocation of the 2020 Census more difficult.

For those reasons, I urge a "yes" vote on the amendment.

The Acting CHAIR. The time of the gentleman from Iowa has expired.

Mr. SERRANO. Madam Chair, the gentleman is correct: There is a campaign of fear, but it is not by what we are doing here. It is what Wilbur Ross wanted to do.

The Constitution is clear. Count all the people: not the Whites, not the Blacks, not the Hispanics, not women, not men, Republicans or Democrats—all the people.

And so it is really strange to me that people in many districts that do not support our position are not yelling. After all, you may not like undocumented people in your district, but they, if they get counted, bring more Federal dollars, allow for more redistricting properly. So why would you oppose that?

Let us speak to the Constitution.

Yes, there is a campaign of fear, and it was fear to try to put into people who were undocumented to say: We are going to ask you your citizenship. Although we are not supposed to ask you that, we are going to ask you that, and maybe that will turn you away from filling out the form, which is what will happen, and we will not get an accurate count.

Lastly, it is in everyone's interest in this country to get an accurate count.

The Acting CHAIR. Members are reminded to address their remarks to the Chair.

Mr. SERRANO. Madam Chair, may I inquire how much time the other side has remaining.

The Acting CHAIR. The gentleman from New York has the only time remaining.

Mr. SERRANO. Madam Chair, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

□ 1730

AMENDMENT NO. 11 OFFERED BY MR. POSEY

The Acting CHAIR. It is now in order to consider amendment No. 11 printed in part B of House Report 116–119.

Mr. POSEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 74, line 13, after the dollar amount, insert “(increased by \$1,969) (reduced by \$1,969)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Florida (Mr. POSEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. POSEY. Madam Chair, it is about time for a bipartisan amendment after all that stuff, and we are going to offer one here. That is why I rise in support of this amendment offered by my colleague, FREDERICA WILSON, and myself.

The amendment highlights the 50th Anniversary of the *Apollo 11* mission to the Moon and back, which launched from NASA’s Kennedy Space Center. On July 20, 1969, NASA Astronaut Neil Armstrong took the first historic steps on the Moon and declared: “That’s one small step for man, one giant leap for mankind.”

It was the greatest technological feat in the history of mankind. And what makes it even more remarkable is when we think back 50 years ago, this was all done with slide rules. Our daughters’ iPhones have thousands of times more power than all of the Apollo computers combined.

This amendment is offered to honor Neil Armstrong, Buzz Aldrin, Michael Collins, the men and women of NASA, and especially the contractors in virtually every State across the Nation who made that possible with the support of the American taxpayers, without whose support the Apollo program would not have been possible.

Space exploration is one of the greatest examples of American leadership and the boldness of the human spirit. It is important to our national security, our technological advancement, and, ultimately, the survival of our species.

Space is also vital to the American economy. The space industry generates more than \$400 billion in economic activity. In Florida alone, the space industry impact totals over \$19 billion annually and 130,000 jobs.

In recognition of the historic achievement of the *Apollo 11* mission, I

want to urge my colleagues to cosponsor H. Res. 443, the bipartisan resolution recognizing the 50th anniversary of the *Apollo 11* Moon landing.

Madam Chairwoman, I reserve the balance of my time.

Mr. SERRANO. Madam Chairwoman, I rise in opposition to the amendment, although I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. Madam Chair, I commend the gentleman and his cosponsors on this amendment, highlighting July 20, 1969, the 50th anniversary of the United States landing a man on the Moon.

I have no opposition to the amendment.

I yield 1½ minutes to the gentleman from Florida (Ms. WILSON).

Ms. WILSON of Florida. Madam Chairwoman, I rise in opposition, although I am not opposed to the amendment.

I am pleased to join my long-time friend and colleague from Florida, Congressman BILL POSEY, in supporting amendment No. 11, which we coauthored.

Our amendment equally increases and decreases NASA’s exploration account by \$1,969 to highlight the 50th Anniversary of the *Apollo 11* mission which occurred on July 20, 1969.

This amendment is part of a year-long, bipartisan effort we have undertaken to commemorate the 50th anniversary and to honor the incredible women and men who contributed to the mission’s success and empowered the next generation of astronauts and aerospace engineers.

In the 114th Congress, we introduced and secured passage of the Apollo 11 50th Anniversary Commemorative Coin Act which was signed into law by President Obama. Proceeds from the sale of the coin will support aerospace education and scholarships. When one thinks of the most awe-inspiring events of the 20th century, Neil Armstrong taking the historic first steps on the Moon and declaring: “That’s one small step for man, one giant leap for mankind,” certainly comes to mind.

I want to especially acknowledge the work of Miss Katherine Johnson, a pioneering African American mathematician whose calculations ensured that the Apollo crew landed on the Moon and returned home safely.

American space exploration continues to inspire our next generation of pioneers and innovators, through an ambitious array of missions and destinations and support thousands of jobs in my home State of Florida and throughout our Nation.

I urge my colleagues to join me in supporting this bipartisan amendment and thank Congressman POSEY for his leadership on space issues.

Mr. SERRANO. Madam Chair, I urge bipartisan support and I yield back the balance of my time.

Mr. POSEY. Madam Chairwoman, I yield to the gentleman from Alabama (Mr. ADERHOLT), my good friend and staunch space supporter.

Mr. ADERHOLT. Madam Chairwoman, I rise in support of this amendment that is offered by the gentleman from Florida. It is in human nature to explore.

Wernher von Braun and his team in Huntsville, Alabama, designed the rockets that took us to the Moon. The Marshall Space Flight Center which is just north of the district I represent in Alabama, put the shuttle through full-scale stress tests as part of its safety certification. Now, the Space Launch System rocket, the most powerful rocket in the world, is 80 percent assembled.

With Orion on top—the capsule which allows deep space exploration—the SLS will launch from Cape Canaveral.

As we celebrate the 50th Anniversary of the *Apollo 11* mission to the Moon, we further honor it by pushing ahead with the SLS mission, which will land the first female American astronaut on the Moon’s surface.

Madam Chairwoman, I urge support of this amendment.

Mr. POSEY. Madam Chair, I ask my colleagues to join Congresswoman WILSON and I in supporting this bipartisan amendment and cosponsoring H. Res. 443.

I would like to thank Congresswoman WILSON for her working with me on this issue, and many other space-related issues, and I would also like to thank her staffer, Jean Roseme and our own John Schweikert for their help in moving this forward.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. POSEY).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. SCOTT OF VIRGINIA

The Acting CHAIR. It is now in order to consider amendment No. 12 printed in part B of House Report 116–119.

Mr. SCOTT of Virginia. Madam Chairwoman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 32, line 19, after the dollar amount, insert “(reduced by \$13,000,000)”.

Page 57, line 10, after the dollar amount, insert “(increased by \$13,000,000)”.

Page 57, line 22, after the dollar amount, insert “(increased by \$13,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Virginia (Mr. SCOTT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Virginia.

Mr. SCOTT of Virginia. Madam Chairwoman, I rise in support of this amendment. It is a straightforward amendment transferring \$13 million from the Federal Prisoner Detention



account to support local delinquency prevention grants authorized under the Juvenile Justice and Delinquency Prevention Act.

Last Congress, I was honored to work with my colleague, the gentlewoman from North Carolina, then chair, now Ranking Member VIRGINIA FOXX, to reauthorize JJDP, and it passed without opposition and was signed by the President last year.

Included in that bill was an overhaul of title V of the act which authorizes grants for local delinquency prevention. That overhaul included provisions of the Youth PROMISE Act which I first introduced in 2007.

The Youth PROMISE Act model is based on what we all know, and that is, that evidence-based prevention and intervention programs can stop young people from heading down the wrong path and instead, keep them on the right track, usually saving more money in the long run than the programs cost. I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I rise in reluctant opposition to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, as I mentioned, I do rise in reluctant opposition to the amendment. The U.S. Marshals Service's Federal Prisoner Detention account supports detention of all who are remanded to the custody of the Attorney General ahead of trial or sentencing.

Of the largest segments of the average daily population of 61,000, 31 percent are held on drug charges; 24 percent are held on immigration charges; and 14 percent on firearm charges.

Moreover, the detention of individuals for these offenses is on the rise. The U.S. Marshals Service cannot afford to see this account reduced by this magnitude. There are some dangerous offenders out there. Again, I think this is an important program, but I don't think it is in the best interest to pull this money from the United States Marshals Service, and, therefore, I urge a "no" vote on the amendment.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Madam Chairwoman, I yield 2 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX of North Carolina. Madam Chairwoman, I thank the gentleman for yielding.

Madam Chairwoman, this amendment is about preventing harm to communities and supporting local control. The Youth PROMISE program was enacted as a part of the broader and very bipartisan Juvenile Justice and Delinquency Prevention Act reauthorization.

These reforms were focused on giving States and local authorities the ability to help prevent delinquency and put these young people on a path to success. Delinquency prevention is the key

to helping local communities thrive, and the Youth PROMISE program will be a critical tool in their work.

I particularly like this program because it is not a one-size-fits-all approach, as Washington so often wants to do. Rather, this program is a complete toolbox of options for State and local officials to determine what is needed to help them address the problems they may be facing, or, even better, help young people before there is real trouble. That is what prevention is all about.

I also like this program because it is the essence of true bipartisanship, and it was the authorizing committee coming together to evaluate the need, consider the evidence, and develop a better plan to help people in need.

I should not be surprised, but I was when I saw the Appropriations Committee continued to fund their projects rather than building off of the hard, bipartisan work of the authorizing committee. If we want Washington to work, we need to start by having the appropriators work more closely with the authorizers.

While this amendment will not address all of these issues, it is a start. These funds will help make this a program that we will be able to assess and, hopefully, see some real success.

I was pleased Mr. SCOTT and I were able to come to an agreement on positive reforms that will help young people in all of our communities last Congress, and I appreciate working with him now on this continued priority for our committee. I urge support of the amendment.

Mr. ADERHOLT. Madam Chair, I yield back the balance of my time.

Mr. SCOTT of Virginia. Madam Chairwoman, investments in prevention can avoid the necessity for incarceration.

Texas found this out several years ago when their appropriations committee was told that they needed to come up with \$2 billion—one State—\$2 billion in prison construction to deal with their increasing prison population. They, instead, invested about 10 percent of that in prevention, early intervention, and rehabilitation effectively, and found that after that investment, they didn't need to build any new prisons at all.

□ 1745

That is the focus of the Youth PROMISE Act. I hope we can adopt the amendment's focus on prevention, early intervention, and rehabilitation rather than just mass incarceration.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. SCOTT).

The amendment was agreed to.

AMENDMENT NO. 13 OFFERED BY MR. WALBERG

The Acting CHAIR. It is now in order to consider amendment No. 13 printed in part B of House Report 116-119.

Mr. WALBERG. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for activities prohibited by the order issued by the Attorney General entitled "Prohibition on Certain Federal Adoptions of Seizures by State and Local Law Enforcement Agencies" (Order No. 3488-2015, dated January 16, 2015).

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Michigan (Mr. WALBERG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. WALBERG. Madam Chair, I rise today to support my bipartisan amendment that would help provide critical protections for all Americans and their right to due process under the Constitution.

My amendment would prohibit the use of funds for adoptive seizures. These forfeiture options provide a loophole that helps local law enforcement evade stricter State laws, like my own in Michigan, governing civil asset forfeiture by seizing property and transferring it to Federal authorities in exchange for up to 80 percent of forfeiture proceeds.

For many years, I have worked in a bipartisan way to shine a light on civil asset forfeiture abuses.

In Michigan, Terry Dekho isn't a household name, but his story serves as a cautionary tale. Terry was a small grocer who had tens of thousands of dollars seized by the IRS without any criminal charges filed against him. He was a law-abiding citizen, in fact, and he had to fight in court to get his hard-earned savings back.

The Department of Justice Assets Forfeiture Fund contains proceeds from equitable sharing agreements between the Federal Government and local law enforcement. These arrangements create perverse incentives to seek out forfeiture opportunities, and it is used to circumvent State-enacted civil forfeiture reforms, again, like those that have been enacted in Michigan.

What is worse is that civil asset forfeiture disproportionately affects minorities and individuals who cannot afford to represent themselves.

I would like to thank my colleagues, Representatives RASKIN, MCCLINTOCK, RUSH, AMASH, CÁRDENAS, and GABBARD, for their support on this amendment.

Madam Chair, I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. ADERHOLT. Madam Chair, I claim the time in opposition. I am opposed to the amendment.

The Acting CHAIR. The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Madam Chair, I rise in opposition, reluctantly, to my good friend from Michigan's amendment.

As I said, there are some issues here that I think we do need to make clear. The amendment would reverse the July 2017 order from Attorney General Sessions, which included safeguards to ensure such adoptions are legal and conform to Department of Justice policy.

Adoptions allow the Federal Government to recover funds that are proceeds of or that are connected to Federal crimes but where property happens to be discovered by local law enforcement.

Moreover, this type of Federal and local cooperation fosters important collaboration between agents and officers. We should not return hastily to the Obama administration policy, but rather continue to review carefully the practice of forfeiture adoption as part of a broader discussion of asset forfeiture reform.

Violent crimes, gangs, and drug trafficking are a growing and continuing problem. We should not take away a tool from law enforcement that it needs to combat criminal groups and make our streets safer.

Madam Chair, I recommend a “no” vote, and I yield back the balance of my time.

Mr. WALBERG. Madam Chair, I appreciate the comments of my good friend and colleague from Alabama. We are not attempting to take away civil asset forfeiture as a tool. We are simply saying that due process ought to be carried out in every part of our judicial process and our law enforcement process.

We are talking about people here—for instance, Terry Dekho, who was informed by his insurance company that they would not insure any assets at his grocery beyond \$10,000. Each day, he took in his \$10,000 or less, whatever it was, and it made a pattern. Ultimately, \$35,000 of his hard-earned assets were frozen. For a small grocer, \$35,000 is life or death for his business.

All we are asking is for due process to be followed. Attorney General Holder, I think, saw the error of our ways when he reversed and made revisions that, ultimately, Attorney General Sessions reversed as well.

I think we need to go back. We still have the opportunity to use the process but use it with due process. That is all I ask.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. WALBERG). The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 15 printed in part B of House Report 116–119.

AMENDMENT NO. 16 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 16 printed in part B of House Report 116–119.

Mr. BLUMENAUER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act to the Department of Justice may be used to prevent any Indian tribe (as such term is defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)) from enacting or implementing tribal laws that authorize the use, distribution, possession, or cultivation of marijuana.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chair, I am pleased to be here today to be able to deal with the first significant piece of legislation on the floor of the House this Congress dealing with the legalization of cannabis. There has been a sea change in this country over the course of the last 25 years as we have seen 47 States legalize some form of cannabis.

But there is an area that is deeply troubling, and this relates to Tribes. Tribes have an interest in being able to conduct activities that deal with cannabis, but currently the strictures that the Federal Government has dealing with its being illegal and the manifold connections that Tribes have with the Bureau of Indian Affairs and so forth make it something that they just don't feel comfortable doing.

There are Tribes that are moving forward. They want to be in this area. It is a multibillion dollar growth industry. It provides opportunities for health, economic development, and recreational activities. The States have been granted a certain amount of latitude moving into this space, but the Tribes have been denied.

This amendment is very simple. It just says that the Department of Justice will not interfere with Tribal decisions dealing with cannabis.

It is ironic. This is a substance that has been used by Tribes for healing going back millennia, and there is an opportunity for them to be able to be part of an economic opportunity that is taking place across the country. We need to grant them that authority.

Approval of this amendment says: Department of Justice, leave them alone.

It is similar to what we have enacted since 2014 dealing with medical marijuana in the States. It is something that continues as Federal policy, and we will be talking about that in another amendment.

I hope that there is a recognition that Tribes deserve this latitude and this empowerment and that we vote in favor of it to allow them to proceed as has taken place in States around the country.

Madam Chair, I respectfully request that the body supports this amendment. It will make a great deal of difference for Native Americans and be a

step towards normalizing this relationship.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was agreed to.

AMENDMENT NO. 17 OFFERED BY MR. BLUMENAUER

The Acting CHAIR. It is now in order to consider amendment No. 17 printed in part B of House Report 116–119.

Mr. BLUMENAUER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act to the Department of Justice may be used, with respect to any of the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, or with respect to the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the United States Virgin Islands, to prevent any of them from implementing their own laws that authorize the use, distribution, possession, or cultivation of marijuana.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Oregon (Mr. BLUMENAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Oregon.

Mr. BLUMENAUER. Madam Chair, one of the areas that has been most gratifying for me has been watching what has happened in a revolution in cannabis policy.

Starting in 1996 with the State of California, we have watched States across the country have their voters step up to make legalization with medical marijuana and more recently with adult use.

Additionally, there have been States that have taken action dealing with medical marijuana in a specialized form for children with extreme seizure disorders. So, in total, we now have 47 States that have some form of cannabis that is legal. We are watching the growth of this industry—a multibillion dollar industry. We are watching State after State move forward. Every one of us on the floor of the House who are here now represent areas that have taken action.

We have had embedded in our legislation protections for medical marijuana, and this would simply extend that same protection to prevent the Department of Justice from interfering with adult use.

I strongly urge that we build on the legacy that we have had in the past and that we move this forward to allow the Federal Government to start catching up with where the rest of the States are.

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

Mr. ADERHOLT. Mr. Chair, I rise in opposition to the amendment.

The Acting CHAIR (Mr. PHILLIPS). The gentleman from Alabama is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Chair, I rise to oppose the amendment. This proposal would prevent Federal law enforcement from enforcing current law and from protecting public health and ensuring community safety.

Under the Controlled Substances Act, the Drug Enforcement Administration defines schedule I drugs as having no current acceptable medical use and a high potential for abuse. According to the National Institute on Drug Abuse, there is no scientifically recognized medical benefit from smoking or eating marijuana plants.

Claims of benefits from smoked or ingested marijuana are anecdotal and generally outright fabrications. It is established by fact that such marijuana use has real health and real social harms.

This is true especially for young children with developing brains and those with impaired physical conditions as well as psychological conditions. New data shows crime and health problems from marijuana use and trafficking in particular in States that decriminalize its use.

This amendment that is before us sends the wrong message about widely abused drugs in the United States. The Drug Enforcement Administration says more young people receive treatment for marijuana dependency than for alcohol and other illegal drugs combined. The amendment ignores the problems with abuse and sends the false message to youth that smoking marijuana is healthy.

Mr. Chair, I urge rejection of this amendment, and I yield back the balance of my time.

Mr. BLUMENAUER. Mr. Chair, may I inquire how much time I have remaining.

The Acting CHAIR. The gentleman from Oregon has 3½ minutes remaining.

□ 1800

Mr. BLUMENAUER. Mr. Chair, I yield 30 seconds to the distinguished gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chair, I rise in support of the amendment. This amendment is consistent with the trend in recent years to acknowledge that States, D.C., and the territories are taking charge of their marijuana policy.

I urge that the amendment be agreed to.

Mr. BLUMENAUER. Mr. Chair, I reserve the balance of my time.

The Acting CHAIR. The gentleman from Oregon has the only time remaining.

Mr. BLUMENAUER. Mr. Chair, I yield 1½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chair, I thank my good friend for yielding.

I believe that despite the opposition from our friends on the other side, that this amendment has bipartisan support.

I thank my good friend Congressman EARL BLUMENAUER for introducing this important amendment with me to prohibit the Department of Justice from interfering with State cannabis programs.

I especially appreciate that Congressman BLUMENAUER ensured that the amendment covers the District of Columbia, as well as the territories, in prohibiting the Department of Justice from using its funds to prevent jurisdictions from implementing their own medical and adult-use marijuana laws.

The District has insisted that Congress cease interfering with our desire to commercialize adult-use marijuana, and I appreciate that D.C. is included with the other States that have the same goal.

This amendment is the breakthrough the District has long sought so that cannabis, as with all other issues, is treated, for the people who live in the Nation's capital, who pay the highest taxes per capita in the United States, with equality that is due them.

Here, with this bill, as with all other matters, we so insist.

Mr. Chair, I thank my good friend for yielding and for cosponsoring this amendment with me.

Mr. BLUMENAUER. Mr. Chair, may I inquire the time I have remaining.

The Acting CHAIR. The gentleman from Oregon has 1¼ minutes remaining.

Mr. BLUMENAUER. Mr. Chair, let me just say that I am pleased to partner with Ms. NORTON. The Federal Government needs to get right with the District of Columbia on this.

I disagree with my good friend from Alabama. If we were rescheduling drugs today, cannabis probably wouldn't be scheduled at all, and what would be Schedule I is tobacco, which is highly addictive and deadly.

It is widely known now that there are, in fact, medicinal purposes to be obtained from using cannabis. That is why the voters in the gentleman's own State just approved medical marijuana.

They are not goofy. They are not misled. They understand that there is compelling evidence, and any of us meeting with professionals can understand that. One of the reasons we don't have the research is because the Federal Government has interfered with research in terms of cannabis.

But the evidence is clear. You can find that out with children in your State who use medical cannabis to stop

extreme seizure disorders; people who use cannabis to be able to stop the violent nausea associated with chemotherapy; or veterans that use it for PTSD, traumatic brain injury, or chronic pain.

This is what the American people have demanded, why it is now legal in 33 States, why it has some version in 47, and is supported by two-thirds of the American public and 90 percent for medical marijuana.

It is time that we extend this protection to these State legal activities so that they can thrive and move forward.

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

The Acting CHAIR. Members are reminded to address their remarks to the Chair.

The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. ADERHOLT. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Oregon will be postponed.

AMENDMENT NO. 22 OFFERED BY MS. SEWELL OF ALABAMA

The Acting CHAIR. It is now in order to consider amendment No. 22 printed in part B of House Report 116-119.

Ms. SEWELL of Alabama. Mr. Chair, I rise as the designee of Mrs. WALORSKI for the Walorski-Sewell amendment.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 4, line 24, after the dollar amount, insert "(increased by \$1,000,000) (reduced by \$1,000,000)".

The Acting CHAIR. Pursuant to House Resolution 445, the gentlewoman from Alabama (Ms. SEWELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Alabama.

Ms. SEWELL of Alabama. Mr. Chair, I rise today in support of this amendment.

It has been over 4 months since the Department of Commerce submitted its auto 232 report to the White House, and neither Congress nor the public has seen that report.

Congress gave the executive section 232 authority to combat legitimate national security threats, not to keep secrets from Congress and the American people.

Unfortunately, I think I know why this administration has not submitted this report. It is because the products hardworking Americans in the auto sector design, build, sell, and service are not a threat to our national security.

The autoworkers in my district in Alabama are terrified that, any day, President Trump will announce tariffs,

threatening up to 624,000 jobs in the auto sector.

That is why over 160 Democratic and Republican Members of the House of Representatives have joined Congresswoman WALORSKI and me in signing a letter to the administration, urging them to abandon their auto 232 tariff threat.

Auto tariffs remain a threat, and the public deserves to see the report.

Mr. Chair, I urge my colleagues to support this amendment to make sure that we are calling upon this administration to be transparent, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Alabama (Ms. SEWELL).

The amendment was agreed to.

AMENDMENT NO. 30 OFFERED BY MR. BOST

The Acting CHAIR. It is now in order to consider amendment No. 30 printed in part B of House Report 116-119.

Mr. BOST. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, line 8, after the dollar amount, insert “(reduced by \$3,000,000) (increased by \$3,000,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Illinois (Mr. BOST) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Illinois.

Mr. BOST. Mr. Chair, I yield myself such time as I may consume.

My amendment provides a much-needed increase of \$3 million in funding to International Trade Administration Enforcement and Compliance to enforce the antidumping and countervailing duty trade remedy laws.

My proposed offset is a similar reduction in International Trade Administration, Global Markets. This program would still receive a substantial increase in funding above the administration's request.

I thank the committee for its work in this regard to help fund trade enforcement, but much more must be done.

Trade remedy enforcement is about protecting our manufacturing workers and our businesses from illegal trade practices that cost jobs and harm our economy. Look no further than my district in 2015 when U.S. Steel announced that it was idling operations due to, in no small part, illegally dumped and subsidized steel imports.

Unfortunately, when it comes to nations that engage in illegal trade practices, business is booming, and no manufacturing business is immune from harm. The number of antidumping and countervailing duty cases has steadily increased over the years. In addition, even when the United States has acted to protect our market, nations like China have found ways to circumvent these protections to continue dumping products into our country.

Antidumping and countervailing duties are our most important shield against such illegal trade practices. However, these cases are very complex. The investigations are time and labor intensive. They require the collection and analysis of vast quantities of data. They require thorough investigations and the verification of information from foreign respondents.

While I am pleased the enactment of the bipartisan legislation I sponsored has sped up this process, cases can take many months before a determination is delivered. By then, it may be too late for victims of illegal trade practices.

In addition, many businesses that are victims of illegal antidumping and countervailing duty trade practices don't have the resources to avail themselves of these remedies. They and their workers are relying on us to provide a fair and level playing field.

Policymakers must set priorities. I fully support efforts to assist our businesses to export to foreign nations.

The United States has the most open and competitive market in the world. It is well past time other nations follow our example.

At the same time, our first priority must be to protect our workers and businesses from unfair competition. Additional resources for the Department of Commerce's Enforcement and Compliance will not only help with those that have filed petitions, but it will also permit the agency to self-initiate investigations, particularly for those workers and firms that don't have the resources and administrative capacities to file cases themselves. It will help combat the illegal circumvention of products through other nations.

Mr. Chair, I urge the House to adopt my amendment, and I reserve the balance of my time.

Mr. ADERHOLT. Mr. Chair, I claim the time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. ADERHOLT. Mr. Chair, I do rise in support of the gentleman's amendment, and I appreciate his work on behalf of domestic manufacturing.

This amendment would highlight the importance of the Department of Commerce antidumping duty and countervailing duty investigations and the threat posed to American businesses from foreign companies selling products to the U.S. at less than fair value, commonly known as dumping, as well as the threat of imported goods from foreign countries that benefit from financial assistance from a foreign government in the form of a countervailable subsidy.

This amendment would also encourage better utilization of resources to self-initiate these investigations, pursuant to U.S. law.

Although most antidumping duty and countervailing duty investigations are initiated following a petition on be-

half of an industry alleging injurious dumping and/or unfair subsidy of imports into the U.S., antidumping and countervailing duty investigations can be self-initiated by the Department of Commerce from information that is made available.

The self-initiation of antidumping duty and countervailing duty investigations is an important tool in cases where a U.S. industry consists of small companies or is fractured and the members of that industry cannot meet the threshold necessary to file a petition.

The United States needs to strongly enforce our trade laws and not allow our domestic manufacturing capacity to be degraded in the face of unfair trade practices that hurt American employers, workers, and communities.

These investigations are crucial. They are important tools in the effort to ensure a level playing field that allows our businesses and our industries to compete.

Mr. Chair, I think this is a good amendment. I ask that my colleagues support it, and I yield back the balance of my time.

Mr. BOST. Mr. Chair, in closing, let me say that this is an issue that we have dealt with in this Nation for a very long time. This gives us the opportunity to aggressively go after those that are illegally importing and transporting those goods that are hurting American jobs.

For the sake of our American jobs and our businesses, I ask for the support of the body, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. BOST).

The amendment was agreed to.

□ 1815

AMENDMENT NO. 31 OFFERED BY MS. CLARKE OF NEW YORK

The Acting CHAIR. It is now in order to consider amendment No. 31 printed in part B of House Report 116-119.

Ms. CLARKE of New York. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available to the Bureau of the Census by this Act may be used in the contravention of section 9 of title 13, United States Code.

The Acting CHAIR. Pursuant to House Resolution 445, the gentlewoman from New York (Ms. CLARKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York.

Ms. CLARKE of New York. Mr. Chairman, I am proud to be offering this amendment to prohibit the Census Bureau from sharing the data it collects with other Federal agencies, along with my colleague Congressman

CISNEROS. We do this by requiring the Census Bureau to uphold its statutory confidentiality obligations.

The White House is trying to silence immigrant families and make them afraid to participate in the Census.

If the Supreme Court doesn't strike down the citizenship question—and, sadly, it appears they may not—immigrant families in districts like mine may choose not to participate, afraid that their citizenship status will be shared with ICE. That means my State will receive less representation in Congress, and New Yorkers will be left without a voice in the Halls of Congress, as well as the commensurate Federal funding we will need to adequately deal with the actual population that has been undercounted.

The Constitution says the Census is supposed to be a complete enumeration. That means each and every person is supposed to be counted. However, it is clear that the White House's citizenship question is a blatant attempt to undercount immigrant families and exclude them from our democracy.

We also know the Census has a history of violating its statutory obligation not to share personal data. During World War II, ancestry information was used to identify Japanese Americans for internment. And just last June, a DOJ attorney suggested in an email that the Department should not say too much to Congress in regards to the confidentiality of Census responses in case the issue "comes up for renewed debate."

That is unacceptable. Census responses must be kept confidential, period, full stop. And if my amendment passes, during the FY 2020, no funds will be spent to violate the law and share Census information with ICE, law enforcement, or other Federal agencies.

The White House's citizenship question is a blatant attempt to undercount immigrant families and exclude them from our democracy. This body must stand up and say no.

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

Mr. ADERHOLT. Mr. Chairman, I claim time in opposition, although I am not opposed to the amendment.

The Acting CHAIR. Without objection, the gentleman from Alabama is recognized for 5 minutes.

There was no objection.

Mr. ADERHOLT. Mr. Chair, I actually rise in strong support of this amendment. I certainly understand the concerns about potential misuse of Census data. Thankfully, misusing Census data is a felony. It is punishable by up to 5 years in prison and by a \$250,000 fine.

Put another way, by law, the Census Bureau cannot disclose anyone's responses or share data from which an individual can be identified, by ICE or any other Federal agency. That is in current law.

So I join my colleague in opposing the use of any funds that would be

made available to violate the confidentiality laws that govern our Census.

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

Ms. CLARKE of New York. Mr. Chairman, I hope that what my colleague has said on the other side of the aisle is true, and I am happy to hear him stand shoulder to shoulder with this side of the aisle to say that anyone in violation of this will have to stand the consequences.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Ms. CLARKE).

The amendment was agreed to.

The Acting CHAIR. It is now in order to consider amendment No. 34 printed in part B of House Report 116-119.

AMENDMENT NO. 36 OFFERED BY MR. BANKS

The Acting CHAIR. It is now in order to consider amendment No. 36 printed in part B of House Report 116-119.

Mr. BANKS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_ Each amount made available in division A, except those amounts made available to the Department of Defense, is hereby reduced by 14 percent.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from Indiana (Mr. BANKS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana.

Mr. BANKS. Mr. Chairman, it is long past time that we get serious about putting our fiscal house in order.

This division costs nearly \$74 billion, which is an increase of nearly \$10 billion from the fiscal year 2019 enacted level.

My amendment is simple. It cuts spending in this division by 14 percent, while exempting amounts made available to the Department of Defense. This reduction would bring the non-defense spending in this division down to the level required to avoid busting the budget caps and avert triggering a sequestration, which harms our national defense.

Unfortunately, the spending package that we have before us continues to propel us down the path of reckless spending that brought us to having a national debt of \$22 trillion.

With these minibus packages, my friends on the other side of the aisle are proposing to bust the budget caps by nearly \$90 billion when all is said and done. This will force dangerous cuts to our national defense through sequestration, and that is wholly unacceptable to me and my constituents in northeast Indiana.

I urge my colleagues to support this amendment, and I reserve the balance of my time.

Mr. SERRANO. Mr. Chairman, I rise in strong opposition to the amendment.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. SERRANO. Mr. Chairman, the amendment, if adopted, would pose serious risks to our economic and national security. It would undermine our efforts to help create jobs, address the deadly opioid crisis, and increase critical scientific research and legal services for underserved communities.

A 14 percent decrease would, for the Department of Commerce, close over 30 foreign commercial service posts and 10 domestic field offices and lead to the dismissal of hundreds of Commerce personnel who support and create U.S. jobs by leveling the playing field for U.S. businesses in overseas markets; cut over \$1 billion from the U.S. Census Bureau, which undermines the Census Bureau's ability to invest in critical information technology infrastructure to safeguard Census data as it moves to an online platform; and limit Census' flexibility to conduct important outreach and follow-up activities in hard-to-count communities, including rural parts of the country.

This amendment would also cause massive cuts in an array of agencies and programs critical to national security, anticrime efforts, and the constitutionally required 2020 Census. It would slash funding for efforts to create jobs, fix aging infrastructure, and respond to the reality of climate change.

I urge a "no" vote, and I reserve the balance of my time.

Mr. BANKS. Mr. Chairman, what the other side is proposing is both reckless and irresponsible.

My colleagues on the other side of the aisle want to bust the budget caps to fulfill liberal spending priorities and, in the process, put our national security at risk.

In Indiana, Hoosiers understand that you cannot spend more than you take in, and it is long past time for Washington to adopt that Hoosier common sense.

Again, my amendment is simple. It reduces spending in this division by 14 percent. It protects our defense priorities and brings us closer to avoiding the devastating harm to national security that would result from sequestration.

Mr. Chairman, I am not going to give up. I am going to keep coming back to this microphone over and over and over again to propose 14 percent across-the-board spending cuts to each of these divisions. It is what my constituents in northeast Indiana expect me to do, and it is what is going to motivate me to keep coming back, to try to restore some fiscal sanity to this body.

I urge my colleagues to support this amendment.

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

Mr. SERRANO. Mr. Chairman, very briefly, in closing, we get folks on the

floor who tell us how much money we have to cut from the budget, from the appropriations, but they really never take time to ask their constituents how they feel about new roads, about hospital help, about education, about climate change, about other issues. You would be surprised how many people who may not scream out in support or against a certain amendment would feel the pain of our cutbacks and would not be for them. So I urge a “no” vote on this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from Indiana (Mr. BANKS).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. BANKS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Indiana will be postponed.

AMENDMENT NO. 44 OFFERED BY MR. HUFFMAN

The Acting CHAIR. It is now in order to consider amendment No. 44 printed in part B of House Report 116–119.

Mr. HUFFMAN. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used to issue a proposed or final rule revising the National Oceanic and Atmospheric Administration's Federal consistency regulations at 15 Code Federal Regulations part 930 under Section 307(c) of the Coastal Zone Management Act of 1972 (16 U.S.C. 1456(c)).

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from California (Mr. HUFFMAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. HUFFMAN. Mr. Chair, this bipartisan amendment would stop the National Oceanic and Atmospheric Administration from moving forward with a rulemaking that would change the Federal consistency process under the Coastal Zone Management Act, known as the CZMA.

The purpose of the CZMA is to give coastal States a strong voice in Federal agency decisionmaking for activities that affect a State's coastal uses and resources, including Outer Continental Shelf oil and gas development.

Federal consistency is the cornerstone of the CZMA. It provides the platform and process for coordination between States, industry, and stakeholders; helps anticipate and proactively avoid conflict; and helps protect the interests of coastal communities. It is a prime example of successful cooperative federalism, and it is

key to long-term management of coasts around the country.

NOAA published an advanced notice of proposed rulemaking in March regarding changes to the Federal consistency regulations to make the process “more efficient,” but there are already clear guidelines and timelines for Federal consistency review, and it has a proven track record of efficiency and cooperation. It is clear that there is no need for NOAA to change the process.

Maintaining the Federal consistency process is especially critical now, as this administration continues to look for ways to get around the clear opposition to offshore drilling from coastal States, communities, and elected officials from both sides of the aisle.

Earlier this week, State Representative Peter McCoy, a Republican from South Carolina, wrote an op-ed about why the CZMA is so important. He wrote: “The consistency review authorities under CZMA have never been more important than right now . . . this move to potentially alter CZMA would undermine States’ control and take away our ability to protect our coastlines.”

That is why I have joined in offering an amendment by South Carolina Representative JOE CUNNINGHAM, as well as our colleagues Florida Representative FRANCIS ROONEY and California Representative SALUD CARBAJAL.

□ 1830

All of us know firsthand how important CZMA is to protecting our coastal districts. We have to ensure that States are able to fully weigh in on Federal activity off their shores. They are the ones most at risk. Their businesses, communities, and lands and waters will be left to deal with the economic and environmental costs of offshore oil and gas development.

Mr. Chair, I urge an “aye” vote on this amendment, and I yield the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. HUFFMAN).

The amendment was agreed to.

AMENDMENT NO. 49 OFFERED BY MR. JEFFRIES

The Acting CHAIR. It is now in order to consider amendment No. 49 printed in part B of House Report 116–119.

Mr. JEFFRIES. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 18, line 10, after the dollar amount, insert “(reduced by \$914,000)”.

Page 18, line 25, after the dollar amount, insert “(increased by \$914,000)”.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from New York (Mr. JEFFRIES) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. JEFFRIES. Mr. Chair, I thank Chairman Jose Serrano, the distin-

guished gentleman from the Bronx, for his tremendous leadership here in the Congress and in connection with this bill.

There is a growing culture of corruption that is festering within the Department of Commerce that should trouble Americans regardless of political affiliation. It is absolutely essential that we continue to support the oversight that is independent and those who have the responsibility to police bad actors and explore waste, fraud, and abuse.

This amendment will increase support for the Office of the Inspector General at the Department of Commerce. This office serves an incredibly vital function. It provides independent and objective oversight for an agency that is led by Secretary Wilbur Louis Ross, Jr., someone who has from time to time found himself in hot water with ethics experts here in this town. Meeting even the minimum ethical standards the government sets for its executive branch officials seems to be a significant challenge for our Secretary.

Last February, the Office of Government Ethics, which is run by a Trump appointee, declined to certify Ross’ 2018 financial disclosure report “ . . . because that report was not accurate and he was not in compliance with his ethics agreement at the time of the report.”

These kinds of disclosures are, of course, important. They allow the U.S. government’s ethics watchdogs, regardless of political affiliation, to identify potential conflicts of interest.

One such conflict was alleged last summer in separate complaints by the Campaign Legal Center and Citizens for Responsibility and Ethics in Washington, who allege that Ross worked on the Trump administration’s steel tariffs and helped promote liquid natural gas exports at the same time that he held financial interests in companies that were impacted by these policies.

We don’t have time to explore some of the other potential conflicts and accusations that were recently detailed by Forbes magazine which caused that publication to suggest that “the current United States Secretary of Commerce could rank among the biggest grifters in American history.”

That is a tall order.

Secretary Ross is a public servant. He should be serving the public’s interests, not special interests or his own personal financial interests, as appears to have been the case in his highly controversial decision to add a citizenship question to the 2020 census, and then be deceptive about the motives.

With all of this obfuscation and fabrication and misrepresentation, we need to make sure that the Department of Commerce’s independent inspector general’s office has the resources and capacity to police the bad behavior that may result in waste, fraud, and abuse of American taxpayer dollars.

Apparently, the Trump administration doesn’t necessarily see it that



way. Their fiscal year 2020 budget actually cuts funding for general oversight operations by approximately \$1 million, which will result in a personnel reduction of at least seven positions.

At a time when oversight has never been more important, we must not allow this cut to go into effect.

Mr. Chair, I urge a "yes" vote to restore this funding and send a message to this administration that we won't be grifted by anyone, even the Secretary of Commerce.

Mr. Chair, I urge my colleagues to support this amendment, and I yield back the balance of my time.

#### PARLIAMENTARY INQUIRY

Mr. ADERHOLT. Mr. Chair, I have a parliamentary inquiry.

The Acting CHAIR. The gentleman from Alabama will state his parliamentary inquiry.

Mr. ADERHOLT. Mr. Chair, if a Member quotes a reference to a newspaper that impugns the character of a Cabinet official, does that violate the House rules?

The Acting CHAIR. The Chair will not respond to a hypothetical question.

Mr. SERRANO. Mr. Chair, I claim the time in opposition to the amendment, even though I am not opposed to it.

The Acting CHAIR. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. SERRANO. Mr. Chair, I rise in strong support of the amendment.

The Commerce Department has illustrated that it requires additional oversight. This increase to the inspector general will restore critical positions that will provide transparency to Congress on what Secretary Ross is up to.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. JEFFRIES).

The amendment was agreed to.

#### AMENDMENT NO. 53 OFFERED BY MR. CUNNINGHAM

The Acting CHAIR. It is now in order to consider amendment No. 53 printed in part B of House Report 116-119.

Mr. CUNNINGHAM. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, line 6, after the dollar amount, insert "(reduced by \$2,000,000)".

Page 48, line 20, after the dollar amount insert "(increased by \$2,000,000)".

Page 54, line 17, after the dollar amount, insert "(increased by \$2,000,000)".

Page 55, line 12, after the dollar amount, insert "(increased by \$2,000,000)".

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from South Carolina (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. CUNNINGHAM. Mr. Chair, today I rise in support of my straightforward,

commonsense amendment, which will increase funding for veterans treatment court programs and help ensure that veterans have access to the resources they deserve to successfully reintegrate into their communities.

As a Nation, we have a responsibility to ensure that the brave men and women who are wounded, either physically or psychologically, in service to our Nation receive the care that they deserve.

Veterans treatment courts do just that by assisting veterans involved in the criminal justice system who are experiencing post-traumatic stress, traumatic brain injury, sexual trauma, mental health symptoms, or substance abuse as a result of their military service.

Studies show that these programs work. Through a coordinated system of treatment, community support, and peer-to-peer mentorship, they are able to reduce recidivism and increase participating veterans' overall quality of life.

Through the Bureau of Justice Assistance, the DOJ provides local court systems with the financial and technical assistance they need to develop and implement their own treatment courts.

My amendment would increase funding for this program by \$2 million so that Federal assistance is available to more courts like those in Beaufort or the recently established program in Charleston.

This is particularly important to the Lowcountry, because my district has one of the highest concentrations of veterans in the country. As their representative in Congress, I have made it my mission to ensure that they have the support that they have earned.

Mr. Chair, I want to ask my colleagues on both sides of the aisle to join me in supporting my amendment as well as the underlying legislation.

Mr. Chair, in closing, I would like to thank Chairman SERRANO and the members of the subcommittee for their work in constructing this important legislation which will allow us to make strides towards addressing gun violence, supporting law enforcement, and investing in important scientific research. I also want to thank Chairman MCGOVERN and my colleagues on the Rules Committee for allowing this important amendment to come to the floor.

Mr. Chair, to ensure that veteran treatment courts in the Lowcountry and across the country can continue to provide this essential service to our Nation's veterans, I urge my colleagues to support my amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. CUNNINGHAM).

The amendment was agreed to.

#### AMENDMENT NO. 54 OFFERED BY MR. CUNNINGHAM

The Acting CHAIR. It is now in order to consider amendment No. 54 printed in part B of House Report 116-119.

Mr. CUNNINGHAM. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of division A (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available by this Act may be used—

(1) to allow or authorize the incidental taking of marine mammals under section 101(a)(5)(A) or (D) of the Marine Mammal Protection Act of 1972 (16 U.S.C. § 1371(a)(5)(A) or (D)) for geophysical or geological exploration for oil or gas (as those terms are defined in 30 C.F.R. § 551.1), within the specific geographic region described in "Notice; issuance of five incidental harassment authorizations" published in the Federal Register at 83 Fed. Reg. 63,268;

(2) to provide an opinion from the Secretary of Commerce under section 7(b) of the Endangered Species Act of 1973 (16 U.S.C. § 1536(b)), on how any such authorization affects an endangered species or its critical habitat; or

(3) to prepare or supplement an Environmental Impact Statement or Environmental Assessment pursuant to the National Environmental Policy Act, 42 U.S.C. § 4321 et seq., and its associated regulations, in support of any such authorization.

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from South Carolina (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. CUNNINGHAM. Mr. Chair, I rise today in support of my straightforward, commonsense amendment to the Commerce-Justice-Science appropriations bill that blocks all fiscal year 2020 funding for NOAA to approve seismic air gun blasting in the Atlantic. These approvals are called Incidental Harassment Authorizations, or IHAs.

In order for companies to receive permits for seismic exploration from BOEM, they must first have authorization through NOAA to conduct activities that harm or disturb marine mammals, such as whales.

NOAA issued five IHAs in November of last year, which are currently being challenged in court in South Carolina by 10 States, 16 towns, and various conservation and business groups. If the judge finds these IHAs unlawful, my amendment would prevent NOAA from reauthorizing these approvals for seismic air gun blasting in the Atlantic.

Additionally, my amendment would prevent NOAA from approving new applications for seismic surveys that would expose marine mammals to one of the loudest man-made noises in the oceans today.

Seismic air guns create an underwater blast louder than all but military-grade explosives. Companies fire air guns as often as every 10 seconds for days, weeks, sometimes even months on end. This can have impacts

across the entire ecosystem, from marine mammals, to fish, to plankton.

In addition to being harmful in its own right, seismic blasting is a key step towards this administration's ultimate goal: bringing drilling rigs to the South Carolina coast and elsewhere up and down the Atlantic seaboard.

Offshore drilling activities anywhere in the Atlantic Ocean are a threat to hardworking Americans, coastal economies, and abundant marine life. And communities up and down the coast have made it very clear where they stand on this issue. They don't want drilling off their coasts and they don't want seismic exploration for oil and gas resources.

My amendment to the Commerce-Justice-Science appropriations bill can help protect the Atlantic Coast from a future of expanded offshore drilling and unnecessary, unwanted seismic testing.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. CUNNINGHAM).

The amendment was agreed to.

□ 1845

AMENDMENT NO. 58 OFFERED BY MR. CUNNINGHAM

The Acting CHAIR. It is now in order to consider amendment No. 58 printed in part B of House Report 116-119.

Mr. CUNNINGHAM. Mr. Chair, as the designee of Mr. MOULTON, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 14, line 3, after the dollar amount, insert "(increased by \$1,500,000)".

Page 14, line 14, after the dollar amount, insert "(increased by \$1,500,000)".

Page 14, line 15, after the dollar amount, insert "(increased by \$1,500,000)".

Page 24, line 6, after the dollar amount, insert "(reduced by \$1,500,000)".

The Acting CHAIR. Pursuant to House Resolution 445, the gentleman from South Carolina (Mr. CUNNINGHAM) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina.

Mr. CUNNINGHAM. Mr. Chair, I rise again because there is no time to waste when it comes to protecting the North Atlantic right whale, a species whose calving and migratory grounds are right off the coast of my district.

By even the most generous estimates, there are fewer than 420 right whales left in the ocean. Without immediate Federal action, the right whale could become extinct in the next two decades.

Humans have killed nearly every right whale in existence through our direct and indirect actions over the past two centuries.

Today we are at a crossroads. We have a choice. We can be the generation that saves the right whale or the generation that allows their extinc-

tion. We can act right now by adopting this amendment. It will provide targeted investments so we can better understand how both right whales and East Coast economies can thrive.

This is a unique opportunity. Few people in the history of the Earth have had the ability to help a species survive. In fact, the opposite is true. From the passenger pigeon to the western black rhinoceros, humans have driven the extinction of iconic species through centuries of choices.

It is a choice to hunt the right whale to near extinction. It is a choice to jeopardize the right whale by drilling off our coast or harmful seismic air gun blasting. And tonight it is a choice to protect the right whale and the hundreds of thousands of jobs up and down the East Coast that rely on the healthy ecosystem that the right whale creates.

Let's be the generation of leaders that chooses to bring the right whale back from the brink.

Mr. Chair, I thank my colleagues for their support on this issue. I want to single out my friend from across the aisle Mr. RUTHERFORD, as well as Mr. HUFFMAN and Mr. GRIJALVA for their leadership on this issue at the Natural Resources Committee. I also want to thank Mr. MOULTON for the opportunity to offer this amendment.

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

The Acting CHAIR. The question is on the amendment offered by the gentleman from South Carolina (Mr. CUNNINGHAM).

The amendment was agreed to.

Mr. SERRANO. Mr. Chair, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. CARTWRIGHT) having assumed the chair, Mr. PHILLIPS, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 3055) making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020, and for other purposes, had come to no resolution thereon.

#### REPORT ON H.R. 3351, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS BILL, 2020

Mr. SERRANO, from the Committee on Appropriations, submitted a privileged report (Rept. No. 116-122) on the bill (H.R. 3351) making appropriations for financial services and general government for the fiscal year ending September 30, 2020, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

#### HOOR OF MEETING ON TOMORROW

Mr. SERRANO. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow for morning-hour debate and 10 a.m. for legislative business.

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

There was no objection.

#### ADJOURNMENT

Mr. SERRANO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, June 20, 2019, at 9 a.m. for morning-hour debate.

#### NOTICE OF ADOPTED RULEMAKING

U.S. CONGRESS, OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS,  
June 19, 2019, Washington, DC.

Hon. NANCY PELOSI,  
Speaker of the House,  
House of Representatives, Washington, DC.

DEAR MADAM SPEAKER: Section 303 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383, requires that, with regard to the amendment of the rules governing the procedures of the Office, the Executive Director "shall, subject to the approval of the Board [of Directors], adopt rules governing the procedures of the Office" and "[u]pon adopting rules . . . shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal."

Having published a general notice of proposed rulemaking in the Congressional Record on April 9, 2019, provided a comment period of at least 30 days after publication of such notice, and obtained the approval of the Board of Directors for the adoption of these rules as required by sections 303(a) and (b) of the CAA, 2 U.S.C. 1383(a) and (b), I am transmitting the attached amendments to the Procedural Rules of the Office of Congressional Workplace Rights to the Speaker of the House of Representatives for publication in the House of Representatives section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In accordance with section 303(b) of the CAA, these amendments to the Procedural Rules shall be considered issued by the Executive Director and in effect as of the date on which they are published in the Congressional Record. Any inquiries regarding this notice should be addressed to Susan Tsui Grundmann, Executive Director of the Office of Congressional Workplace Rights, Room LA-200, 110 2nd Street, SE, Washington, DC 20540.

Sincerely,  
SUSAN TSUI GRUNDMANN,  
Executive Director,  
Office of Congressional Workplace Rights.

FROM THE EXECUTIVE DIRECTOR OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS: NOTICE OF ADOPTED RULEMAKING, AS REQUIRED BY 2 U.S.C. 1383, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED

### Introductory Statement

On April 9, 2019, a Notice of Proposed Rulemaking concerning the Procedural Rules of the Office of Congressional Workplace Rights (OCWR) was published in the Congressional Record at S2334 and H3200. As required under the Congressional Accountability Act of 1995 at section 303(b) (2 U.S.C. 1383(b)), a 30-day period for comments from interested parties followed. In response to the Notice of Proposed Rulemaking, the OCWR received a number of comments regarding the proposed amendments. Specifically, the Office received comments from the House Committee on Ethics, the House Office of Employee Advocacy, the Office of House Employment Counsel, the Architect of the Capitol, the Library of Congress, the U.S. Capitol Police, the Fraternal Order of Police/U.S. Capitol Police Labor Committee, District Council 20 of the American Federation of State, County, and Municipal Employees, AFL-CIO, the U.S. Senate Disbursing Office, and the U.S. Senate Chief Counsel for Employment.

The Executive Director and the Board of Directors of the OCWR, having reviewed all comments received regarding the Notice, and having made certain additional changes to the proposed amendments in response thereto, now issue the final Procedural Rules as authorized by section 303(b) of the Act, which states in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." 2 U.S.C. 1383(b). These Procedural Rules of the Office of Congressional Workplace Rights may be found on the Office's web site: [www.ocwr.gov](http://www.ocwr.gov).

### Supplementary Information

The Congressional Accountability Act of 1995 (CAA or the Act), Pub. L. No. 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 301 of the CAA (2 U.S.C. 1381) establishes the OCWR as an independent office within that branch. Section 303 of the CAA (2 U.S.C. 1383) directs the Executive Director, as Chief Operating Officer, to adopt rules of procedure governing the OCWR, subject to approval by the Board of Directors of the Office. The OCWR Rules of Procedure establish the process by which alleged violations of the 13 laws made applicable to the legislative branch under the CAA are considered and resolved.

On December 21, 2018, the Congressional Accountability Act of 1995 Reform Act (CAARA or Reform Act) was signed into law. (Pub. L. No. 115-397). The new law reflects the first set of comprehensive reforms to the CAA since 1995. Among other reforms, the Reform Act substantially modifies the administrative dispute resolution (ADR) process under the CAA, including: providing for preliminary hearing officer review of claims; requiring current and former Members of Congress to reimburse awards or settlement payments resulting from harassment or retaliation claims; requiring certain employing offices to reimburse payments resulting from specified claims of discrimination; and appointing advisers to provide confidential information to legislative branch employees about their rights under the CAA. Most changes to the ADR process will be effective on June 19, 2019—i.e., upon the expiration of the 180-day period which begins on the date of enactment of the Reform Act.

The OCWR's responses to and discussion of the comments are presented below:

### General Comments

Several commenters highlighted typographical errors in the proposed Procedural Rules, and we corrected those along with any typographical errors we identified ourselves. We appreciate the close and thorough review conducted by these commenters.

Many of the comments suggested modifications to the language of the proposed Procedural Rules that would clarify the Rules rather than make substantive changes. To the extent we agreed that those clarifications were warranted, they appear in the final Procedural Rules.

We received some suggestions regarding the existing Procedural Rules that the Board has not proposed to amend, or that were subject to nomenclature changes only without any substantive revisions. Although the Board always appreciates feedback regarding ways to improve OCWR procedures, those Procedural Rules have already been subject to the notice and comment procedures set forth at section 303 of the Act. To the extent that comments received in May 2019 pertain to provisions in the Rules that have not changed in response to the Reform Act, those comments are untimely. However, some of these comments noted typographical errors or suggested alterations for the purpose of clarity, and to the extent that we agreed that those edits were warranted, they appear in the final Procedural Rules.

We received a suggestion that the references to the sections of the CAA be changed to refer to the corresponding sections of the U.S. Code instead. The Board declines to alter its longstanding practice of referencing the section numbers of the Act rather than the provisions of the U.S. Code, but for easier reference we will include a table of the Act sections and corresponding U.S. Code provisions at the beginning of the printed version of the Procedural Rules and the version that appears on the Office's web site.

One commenter expressed a general concern that some of the proposed Rules could prevent or inhibit the Congressional ethics committees from obtaining information they need to investigate alleged violations of workplace rights and other misconduct by Members of Congress and staff. The Procedural Rules related to confidentiality, disclosures, and referral reflect the requirements of the Act, and the Board declines to expand upon those statutory requirements. However, the Office will work with the ethics committees to establish procedures for providing information necessary for those committees to fulfill their obligations, consistent with the requirements of the Act and in a manner that will ensure secure transmittal. We also note that certain internal processes of the Office are outside the scope of the Procedural Rules, but that the Office will comply with the reporting requirements of the Act whether or not they are specifically addressed in the Rules.

Several commenters offered suggestions about the content of the claim form as defined in section 1.02(e) of the Rules. We have taken these comments into consideration in preparing the claim form to be used for claims filed on or after June 19, 2019, which is available at [www.ocwr.gov](http://www.ocwr.gov).

One commenter asked the Board to explicitly affirm that it will continue to follow its own existing precedent except to the extent that the Reform Act may require deviation from that existing precedent. The Board does not intend to change its approach to considering and applying legal precedent, but it is the Board's view that the Procedural Rules are not the appropriate forum in which to address this subject, and the Board therefore declines to adopt the commenter's suggestion.

One commenter pointed out that the reimbursement requirements of the Act at section 415 may be expanded by rules of the Senate or the House of Representatives. We have added language where appropriate to account for those potentially broader requirements, including with respect to notification of Members who may have the right to intervene. The Board declines, however, to adopt the commenter's suggestion to require Merits Hearing Officers to make specific findings regarding violations and reimbursement pursuant to the additional requirements imposed by such expanded rules. The Board views such decisions as beyond the jurisdiction conferred by the Act upon the OCWR and its appointed Hearing Officers.

Multiple commenters suggested imposing specific time frames for various actions by the OCWR, by Mediators, or by Hearing Officers. Where such deadlines are feasible and would further the purposes of the Act, we have modified the proposed Rules to include them. However, with respect to mediation and administrative hearings, in the Board's experience such deadlines are best established by Mediators and Hearing Officers in consultation with the parties on a case-by-case basis.

One commenter suggested adding details to the Procedural Rules regarding the process Members must follow in order to intervene. We have added language to the Rules specifying that Members will be notified of their right to intervene, as well as the method for doing so, at three points in the process: when a claim form is filed that contains allegations of violations described in section 415(d)(1)(C) of the Act committed personally by a Member; when mediation has been requested with respect to a claim containing such allegations; and when an administrative hearing has been requested with respect to a claim containing such allegations. However, the Board has determined that the specific procedures for intervening will be set forth in the notification itself rather than in these Rules.

One commenter also requested that the rights and duties of intervenor Members in OCWR proceedings be more clearly delineated. We agree, and various provisions throughout the Rules have been modified where appropriate to make clear whether they apply to intervenor Members.

### Subpart A—General Provisions

Several commenters requested that we change or clarify the use of the terms "claim" and "claim form." The CAARA uses the term "claim" when referring to the filing a covered employee must make to initiate dispute resolution proceedings—indeed, Congress deliberately replaced the term "complaint" with the term "claim" in passing the CAARA—and the Board has decided to follow the statutory language. The Board therefore declines to revert to the term "complaint" or to replace the statutory term "claim" with another term not used in the statute, such as the suggested alternative "alleged violation." However, we have made modifications to the Rules where appropriate to make clear that a "claim" is an allegation of a violation of sections 102(c) or 201-207 of the Act, and a "claim form" is the document filed to initiate proceedings with the Office in cases that allege violations of sections 102(c) or 201-207 of the Act. A claim form may contain one or more claims—in other words, it may contain allegations of more than one violation of the Act.

One commenter correctly pointed out that the definition of "covered employee" omitted employees of the Office of Technology Assessment. That error has been corrected, and the numbering of subparagraphs in section 1.02(m) has been adjusted accordingly.

A few commenters suggested adding to the definition of “party” a list of the specific statutory provisions that allow intervention. Because there are different types of proceedings under the Act that allow intervention for various reasons, and because the Rules allow intervention in circumstances beyond those explicitly listed in the Act (i.e., when a House or Senate rule requires reimbursement by a Member for conduct beyond that described in section 415(d)(1)(C) of the Act), the Board has declined to modify the definition of “party” in the manner suggested, as such a definition would be overly restrictive.

For clarification purposes, a definition of the term “Mediator” has been added at section 1.02(gg) of the Rules. The numbering of the definitions that follow in section 1.02 has been revised accordingly.

Upon further consideration of the filing requirements, a minimum font size of 12-point has been added to section 1.04(d) to clarify the size limitations for briefs, motions, responses, and supporting memoranda filed with the Office.

One commenter pointed out that covered employees who participate in confidential advising before becoming “parties” to a proceeding should be explicitly covered by the confidentiality provisions of the Rules. We agree, and have added covered employees to the definition of “participant” in section 1.08(b).

One commenter suggested adding an exception to the confidentiality provisions of the Rules for disclosures made between a party and that party’s representative. We agree, and language has been added to section 1.08(d) to make clear that parties are not prohibited from disclosing confidential information to their designated representatives, or vice versa.

One commenter suggested adding exceptions to section 1.08(d) that would allow for the disclosure of confidential information in certain circumstances, including when required by law, compelled by legal process, or requested in conjunction with a criminal or security clearance investigation. The Board declines to add these exceptions; should such circumstances arise, Merits Hearing Officers or the Board will address them on a case-by-case basis.

#### **Subpart D—Claims Procedures Applicable to Consideration of Alleged Violations of Sections 102(c) and 201-207 of the Congressional Accountability Act of 1995, as Amended by the CAA Reform Act of 2018**

Several commenters suggested adding details regarding the scope of the Confidential Advisor’s role in section 4.03 of the Proposed Rules. Because the Act specifically sets forth the parameters of the Confidential Advisor’s role, the Board declines to depart from the language of the statute.

One commenter suggested requiring the Confidential Advisor to offer services regarding one of the employing offices’ employee assistance programs. The Board declines to expand the scope of the Confidential Advisor’s services set forth in the Procedural Rules to include providing this type of information. Different employing offices may have their own employee assistance or counseling programs, and those programs may change over time; moreover, as already noted, the Act specifically sets forth the parameters of the Confidential Advisor’s role. We note, however, that the OCWR’s longstanding practice has been to provide employees with information concerning such programs, and it will continue to do so as appropriate.

Two commenters included suggestions regarding the oversight of the Confidential Advisor. The Board declines to revise the Pro-

cedural Rules in this regard, and notes that the Confidential Advisor is appointed by the Executive Director of the OCWR and will be subject to the Executive Director’s oversight.

One commenter noted that the language in section 4.03(c)(5) of the Proposed Rules referenced a “complaint” with the Congressional ethics committees, whereas the term “complaint” in the context of those committees’ investigations may have a narrower meaning than intended by the proposed Procedural Rule. We agree, and have changed the language of this provision accordingly.

Several commenters raised questions or concerns about section 4.03(d), regarding privilege and confidentiality. This provision follows from the directive in the Act that the Confidential Advisor’s services are to be provided “on a privileged and confidential basis.” In response to the comments, we have modified the language in the proposed Rule to remove language that would have defined the contours of this statutorily-created privilege in a way that, in the Board’s view, would be more appropriately developed in the context of specific proceedings before Hearing Officers and the Board.

One commenter suggested removal of the words “or the claimant’s representative” in section 4.04(c), with respect to who may sign a claim form under oath or affirmation. We agree that the claim form should be signed by the claimant, and have modified the language accordingly. The same commenter suggested that claimants who have designated representatives should not be required to provide their own contact information, but the Board chooses to maintain its longstanding practice of requiring contact information for all claimants regardless of representation.

One commenter suggested adding a subparagraph to section 4.04(c) of the proposed Rules that would require the claim form to specify whether the challenged conduct meets the criteria set forth in section 415(d) of the Act. The Board has elected to leave this determination to the OCWR as part of its internal process for claim intake, rather than assign it to the claimant.

One commenter suggested adding information to section 4.05(b) regarding the exceptions to the 70-day deadline for filing a civil action after a claim form is filed. These exceptions were described in other sections of the proposed Procedural Rules concerning preliminary review and mediation, but we agree that they should be included here as well, and we have added clarifying language to this subsection accordingly.

We received a comment that the OCWR should notify employing offices immediately upon receipt of notification that a claimant has filed a civil action in federal district court. The Board declines to include such a requirement in the Procedural Rules, although as a practical matter the OCWR will endeavor to notify employing offices, as well as any intervening Members or Members who have not exercised their right to intervene, without undue delay. In order to make this practice more feasible and effective, the Board has modified section 4.05(d) of the Procedural Rules to change the time frame for claimants to notify the OCWR from 10 days to 3 days after filing a civil action.

Some commenters offered suggestions for how individual Members should receive notifications required by the Act. The Board prefers to work with the Senate and the House of Representatives to devise a method of identifying points of contact and providing notifications, rather than providing for this in the Procedural Rules. One commenter also suggested that the notification should inform the Member of not only the right to intervene, but also the procedures for doing so;

we agree, and sections dealing with Member notification now include language to that effect.

One commenter correctly pointed out that the special rule referenced in section 4.06(d) applies only to employees of the Architect of the Capitol and the U.S. Capitol Police, not the Library of Congress. We have removed the references to the Library of Congress from this subsection.

The proposed section 4.07(d) required immediate notification of a Member with a right to intervene whenever mediation is requested. Upon further review of the requirements of the Act, the Board has changed the word “immediately” to “promptly.”

One commenter noted that only claimants and respondents, not intervening Members, have the statutory right to request an extension of the mediation period. We agree, and have modified the language of section 4.07(f)(2) accordingly.

Several commenters pointed out that because mediation is voluntary, the mediator lacks the authority to require the physical presence of any party. We agree, and have changed the language of section 4.07(i) from “required” to “requested.”

One commenter noted an inconsistency between section 4.07(j) of the proposed Rules, which referenced both informal resolutions and formal settlements during the mediation period, and section 9.03(a) of the proposed Rules, which concerned informal resolution before a covered employee files a claim form. Because references to informal resolution have been removed from section 9.03 for the reasons discussed below, the inconsistency noted by the commenter no longer exists. The Rules no longer address resolutions achieved prior to the filing of a claim form; all settlements reached between the parties after a claim form is filed, including during mediation, must satisfy the requirements of section 414 of the Act and section 9.03 of these Rules.

One commenter suggested adding a requirement that any alleged confidentiality violation must be raised to the Mediator during the mediation period. This is not required by the statute, and the Board declines to add such a requirement because it would be overly restrictive.

One commenter suggested including additional exceptions to confidentiality under section 4.07(n) of the proposed Rules. While we agree that there might be other exceptions to confidentiality, the intent of this subparagraph was to direct the parties to the exceptions expressly set forth in the statute itself.

Several commenters requested that the Board include in the Procedural Rules the qualifications required for Preliminary Hearing Officers and Merits Hearing Officers. The Board declines to do so. The Board notes that the statute at section 405(c) already contains a requirement that the Executive Director must develop master lists from which all Hearing Officers must be selected for appointment, and sets forth the qualifications that individuals must possess in order to be included on those lists.

Proposed section 4.08(b) was originally modeled on the existing Procedural Rule governing the disqualification of a Hearing Officer. Upon further consideration of the purpose and scope of the preliminary review, the Board has determined that requests to disqualify a Preliminary Hearing Officer should be made to the Executive Director of the Office rather than in the form of a motion to the Preliminary Hearing Officer. Sections 4.08(b)(2) and (b)(3) have been revised accordingly. Additionally, one commenter suggested adding a provision requiring prompt notification of the parties once a Preliminary Hearing Officer is appointed. We

agree, and have added such a provision to section 4.08(a).

Several commenters suggested that the Procedural Rules should specifically state that in conducting the preliminary review pursuant to section 403 of the Act, the Preliminary Hearing Officer must apply the same standard during preliminary review that federal courts apply under Federal Rule of Civil Procedure 12(b)(6). Although some of the language in section 403(b)(6) of the Act also appears in FRCP 12(b)(6), the Act specifically directs the Preliminary Hearing Officer to make the determination whether the claimant is a covered employee who has stated a claim upon which relief can be granted “on the basis of the assessments made under paragraphs (1) through (5)” of section 403(b). In light of the foregoing, and in consideration of the purpose of the preliminary review—i.e., to determine whether a claimant may proceed to an administrative hearing or must pursue his or her claims in federal court—the Board declines to adopt a standard equivalent to that of FRCP 12(b)(6) for the preliminary review of claim forms. We note, however, that the Board has long applied a 12(b)(6) standard in considering motions to dismiss; under these Procedural Rules, should a claimant proceed to an administrative hearing, the parties will continue to have a full and fair opportunity to litigate over whether the claimant has satisfied the FRCP 12(b)(6) pleading standard.

We received a variety of comments regarding whether amendments to the claim form should be permitted during the preliminary review stage. The Board considered those comments, as well as the purpose and scope of preliminary review, and determined that no prejudice or undue delay would result from adopting the suggestion made by one commenter that claimants be allowed one amendment as of right within 15 days of the initial filing. Section 4.08(d) has been revised accordingly. Section 4.08(e)(1) has also been revised to provide that the Preliminary Hearing Officer must not issue the preliminary review report until at least 20 days after the claim form is filed, to ensure that the report is not issued before the deadline for submitting an amended claim form has passed.

Several commenters suggested adding provisions for answers, motions, and/or discovery before the Preliminary Hearing Officer. The Board does not believe that allowing additional pleadings, motions, or discovery during this stage would be consistent with the limited purpose of preliminary review, which is to determine whether a claimant may proceed to an administrative hearing or must pursue his or her claims in federal court. There is no indication in the statute that Congress intended for the preliminary review by a Preliminary Hearing Officer and subsequent administrative proceedings before a Merits Hearing Officer to be duplicative processes requiring the parties to litigate the same matter twice.

One commenter suggested that the Preliminary Hearing Officer’s determinations should be appealable to the Board. The statute does not grant the Board authority to review the Preliminary Hearing Officer’s determinations, and therefore the Board declines to adopt that suggestion. Moreover, nothing in the Act would permit the Board to toll the time limit for filing a civil action pending the outcome of such an appeal to the Board. Section 4.08(e)(5) has been added to clarify that the preliminary review report is not subject to appellate review by the Merits Hearing Officer or the Board.

Another commenter suggested adding a provision to the effect that the Preliminary Hearing Officer’s report has no evidentiary weight or preclusive effect on subsequent ad-

ministrative proceedings before a Merits Hearing Officer. We agree, and we have added a subparagraph designated 4.08(e)(4) to incorporate that provision. It is the Board’s view that the limited purpose of the preliminary review is to determine whether a claimant may request an administrative hearing pursuant to section 405(a) of the Act.

We received numerous comments suggesting that claimants should not be allowed to pursue some claims through the OCWR administrative process while pursuing others in federal district court. We agree that bifurcation of claims in such a manner is not practicable, efficient, or consistent with the CAARA. One commenter suggested that if some claims on a claim form pass the preliminary review but others do not, then a claimant should be required to waive those claims that did not pass preliminary review in order to pursue an administrative hearing on those claims that did; most commenters took the view that as long as a claimant has succeeded at the preliminary review stage on at least one claim, then the claimant should be allowed to request an administrative hearing on all claims asserted in the claim form. The Board agrees that as long as the Preliminary Review Officer determines that the claimant is a covered employee who has stated at least one claim for which relief may be granted under the Act, then the employee may request a hearing on all claims asserted in the claim form, and the parties will be afforded a full and fair opportunity to litigate those claims before the Merits Hearing Officer. Accordingly, a new provision has been added to clarify the effect of a Preliminary Hearing Officer’s determination that a claimant is a covered employee who has stated at least one claim for which relief may be granted; that provision appears at section 4.08(f) of the Rules, and the numbering of the following subparagraphs in section 4.08 has been revised accordingly.

A paragraph has been added at section 4.09(c) providing for notification of employing offices and Members who have the right to intervene regarding the filing of a request for administrative hearing. Subsequent paragraphs in section 4.09 have been renumbered accordingly.

The proposed Procedural Rules did not address motions to amend claim forms after the filing of a request for an administrative hearing. A provision has been added regarding amendments, and appears at section 4.09(e) of the Rules. Subsequent paragraphs in section 4.09 have been renumbered accordingly.

Several commenters opposed the provision in the proposed Procedural Rules that would reduce the time period for a respondent to file an answer from 15 days to 10 days. Upon further consideration, the Board agrees with these commenters. The provision for answers to claim forms, which is now located at section 4.09(f) of the Rules, has been amended to reflect the 15-day deadline. Section 5.01(f) has also been amended to reflect a 15-day deadline for respondents to submit answers to complaints filed by the General Counsel. Additionally, in response to a comment, the language of section 4.09(f) has been modified to reflect that the 15-day period begins to run as of the date that the respondent is notified of the filing of the request for a hearing, not the date that the request is filed.

A few commenters suggested that the filing of a motion to dismiss should stay the time period for filing an answer. The Board feels that this determination should be left to the discretion of the Merits Hearing Officer. Accordingly, language from the proposed Rules stating that the filing of a motion to dismiss does not stay the time period for filing an answer has been removed. Corresponding language has also been removed from section 5.01(f).

Multiple commenters suggested that the Procedural Rules specifically allow for respondents to state in an answer that they lack sufficient knowledge to admit or deny specific allegations, and that such a statement should constitute a denial. We agree, and have added language to that effect in section 4.09(f)(2). Corresponding language has also been added to section 5.01(f)(2).

For purposes of clarification, especially in light of the many comments we received regarding the standard for preliminary review, we have added provisions under section 4.10 to make clear that the Merits Hearing Officer may dismiss claims for reasons equivalent to those specified in Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). These provisions parallel the provisions regarding dismissal of complaints filed by the General Counsel under section 5.03 of the Rules.

Several commenters raised questions about the language in section 4.10(b) of the proposed Rules regarding motions to dismiss being treated as motions for summary judgment. The language of that section has been modified and moved to section 4.09(a) to clarify that motions to dismiss will be treated as motions for summary judgment if matters outside the pleadings are considered. New sections have been added to clarify that parties still have the option to file motions to dismiss and the Merits Hearing Officer has the authority to dismiss claims based on the allegations set forth in the claim form, prior to engaging in discovery; those provisions are located at sections 4.09(g) and 4.10(a)–(b), and subsequent paragraphs under section 4.10 have been renumbered accordingly. Section 5.01(g), concerning motions to dismiss complaints filed by the General Counsel, has been updated in the same manner.

One commenter suggested that section 4.10(e) of the proposed Rules, which concerned the withdrawal of a representative after an administrative hearing has been requested, should be moved to section 1.07(c), which covers designation of representatives. We agree, and have modified those sections accordingly.

#### **Subpart F—Discovery and Subpoenas**

Several commenters observed that the proposed Rules at section 6.01(a) retained a discovery standard from an outdated version of the Federal Rules of Civil Procedure that permitted discovery of nonprivileged information “reasonably calculated to lead to the discovery of admissible evidence.” The commenters suggested that, because OCWR Hearing Officers frequently rely on case law interpreting the Federal Rules when resolving discovery disputes under the CAA, section 6.01(a) should be updated to reflect the current standard under Rule 26(b) which, among other things, requires discovery requests to be relevant and proportional to the needs of the case. We agree, and have revised section 6.01(a) accordingly.

The Board declines, however, to further amend the Procedural Rules to incorporate specific timeframes or limits on the forms or extent of discovery, or to more closely align discovery under the Procedural Rules with discovery under the Federal Rules of Civil Procedure. Administrative proceedings under the CAA are intended to serve as a less formal, more expeditious alternative to litigation in the federal courts for resolving disputes. In the OCWR’s experience, section 6.01 of the Rules—which grants the Merits Hearing Officer the discretion to order reasonable prehearing discovery and to issue orders setting forth the forms and extent of discovery—is best suited to this purpose and to ensure that discovery requests will be relevant and proportional to the particular needs of each case.

#### **Subpart G—Hearings**

A commenter proposed that section 7.02(b)(4) be revised to recognize the Merits

Hearing Officer's discretion to dismiss an action in whole or in part, with or without prejudice, when a claimant files a claim that fails to meet the requirements of section 401(f) of the Act. We agree, and have revised the Rule accordingly. We have also revised section 7.02(b)(2) to recognize that the Merits Hearing Officer has the same discretion if a party fails to prosecute or defend a position.

One commenter recommended that the prehearing procedures at section 7.04 be modified to provide for two phases: the initial establishment of a framework for prehearing discovery, and subsequent preparation for a hearing, if any. The commenter proposes two conferences: First, the Merits Hearing Officer would conduct an initial conference soon after the claimant requests an administrative hearing pursuant to section 405 of the Act; during this conference, the Merits Hearing Officer would establish an orderly process for discovery and set a schedule for dispositive motions. Second, after discovery has closed and shortly before the commencement of the administrative hearing, the Merits Hearing Officer would conduct a prehearing conference to discuss the matters that were listed in section 7.04(d) of the proposed Rules. We agree with the commenter that such a modification would provide a more meaningful process for prehearing discovery and hearing preparation. Section 7.04 has been revised accordingly.

Several commenters proposed amending section 7.05, which concerns scheduling the administrative hearing, to reflect the new time limits set forth in the CAARA. We agree. As amended by the CAARA, the CAA provides at section 405(d)(2) that an administrative hearing must commence no later than 90 days after a claimant files a request for an administrative hearing, and that this time limit may be extended by 30 days upon mutual agreement of the parties or for good cause shown. Paragraphs (a) and (b) of section 7.05 have been revised accordingly.

A commenter suggested that a new paragraph be added to section 7.05 to expressly affirm that a Merits Hearing Officer has the authority to open a hearing and stay proceedings pending the resolution of dispositive motions and other pretrial matters. The commenter further suggested that section 7.05 should also expressly permit the Merits Hearing Officer to open and stay proceedings for a reasonable amount of time when jointly requested by the parties. We agree with the commenter that, under existing practice, Hearing Officers have the authority to open a hearing and stay proceedings under the circumstances described above. This authority is unaffected by the CAARA amendments, and the Board therefore does not believe that it is necessary to amend section 7.05 in the manner proposed.

A commenter recommended that section 7.07(f)—which grants the Merits Hearing Officer the discretion to hold the hearing without the claimant if the claimant's representative is present—be amended to also grant the Merits Hearing Officer the discretion to hold a hearing without the respondent if the respondent's representative is present. The commenter also proposed to revise section 7.07(f) to make allowances for intervenor Members of Congress, whose presence throughout the duration of a hearing may not be necessary and, in some cases, may actually impede the progress of the hearing due to the Member's need to fulfill his or her constitutional duties. We agree with the commenter on both counts and have amended section 7.07(f) in the manner suggested.

A commenter suggested that section 7.16(e) be amended to provide that, in the case of a decision in which an amount of compensatory damages is found to be reimbursable as described in section 7.16(c)(4) of the Rules,

the OCWR shall promptly provide a copy of the Merits Hearing Officer's written decision to the Member responsible for that reimbursement, regardless of whether the Member has intervened in the action. We agree and have revised section 7.16(e) accordingly.

#### **Subpart I—Other Matters of General Applicability**

One commenter suggested that section 9.01(b)(5), which concerns the form of a motion for attorney's fees and costs, be revised to require additional evidence of an established attorney-client relationship only if a copy of the fee agreement is not available. We agree, and have revised section 9.01(b)(5) accordingly.

A commenter objected to proposed section 9.01(c), which would require the prevailing party in arbitration proceedings to submit any request for attorney's fees and costs to the arbitrator in accordance with the established arbitration procedures. The commenter contends that OCWR's proposed rule conflicts with the CAA. We disagree. Section 220(a) of the CAA extends to employing offices, employees, and collective bargaining representatives the rights, protections, and responsibilities established under various portions of the Federal Service Labor-Management Relations Statute ("FSLMRS") including 5 U.S.C. 7121–22, relating to grievance arbitration. Under the FSLMRS, the entitlement to attorney's fees is determined by reference to the Back Pay Act, 5 U.S.C. 7701(g). The Federal Labor Relations Authority has long recognized that the Back Pay Act confers jurisdiction on an arbitrator to consider an attorney's fees request filed after an arbitrator's decision awarding back pay. *Philadelphia Naval Shipyard & Philadelphia Metal Trades Council*, 32 F.L.R.A. 417 (1988); accord, *Fraternal Order of Police, U.S. Capitol Police Labor Comm. v. U.S. Capitol Police*, Case No. 17–ARB–04, 2018 WL 950096, \*9 (OOC Feb. 15, 2018) (holding that arbitrator was authorized to award attorney's fees in a case arising under section 220(a) of the CAA). Section 9.01(c) clarifies that the proper procedure for a party seeking an award of attorney's fees or costs in an arbitration proceeding under the CAA is to submit the request to the arbitrator in the first instance.

A commenter suggested that section 9.03(a) of the proposed Rules, which concerns informal resolution of disputes, would improperly expand the scope of coverage of section 9.03(a) of the existing Rules to place limits on an employing office and a covered employee before that covered employee files a claim with the OCWR. The commenter contends that this would be inconsistent with section 414 of the Act, which only concerns settlements entered into by the "parties to a process" described in sections 210, 215, 220, or 401 of the CAA. We agree with the commenter that section 9.03 should only address resolutions between "parties to a process" under section 414 of the Act, and that, in the case of alleged violations of sections 102(c) or 201–207 of the Act, that process begins when an employee files a claim form.

Upon further consideration of section 9.03(a), the Board has decided to eliminate the provisions of this section concerning informal resolutions of disputes. Under section 414 of the Act, any settlement agreement entered into by parties to a process must be in writing and approved by the OCWR Executive Director. No mention is made of informal resolutions in the CAA, and the Act makes no distinction between agreements settling claims entered into before or after the employee requests an administrative hearing. In light of the foregoing, we believe that unnecessary confusion would result if the OCWR includes in the Rules a provision that concerns agreements outside the scope

of section 414. Rather, section 9.03 now emphasizes the statutory requirements for settlement agreements under the CAA, including the requirement that any agreement between the parties that purports to create an obligation that is payable from the account established by section 415(a) of the Act must be in writing and approved by the OCWR Executive Director.

One commenter recommended that section 9.03 of the Rules should clarify whether funds from the section 415(a) Treasury Account are available to pay for disability-based claims, such as a back pay award based on a finding of discrimination due to a disability. Because section 415(c) of the Act clearly sets forth the exceptions to the general rule that only funds from the section 415(a) Treasury Account will be used for the payment of any amount specified in an award or settlement agreement, The Board declines to expand on these exceptions in these Procedural Rules.

A commenter noted that, although section 9.03 of the Proposed Rules correctly states that certain section 201 and 206 claims are reimbursable under the CAARA, it should also state that certain section 207 claims are also subject to the new reimbursement requirement. Commenters also recommended that section 9.03 should be amended to reflect the expanded reimbursement requirements applicable to Members of Congress under current House and Senate rules. We agree with these recommendations, and we have revised this section accordingly. We decline, however, to include citations to specific House or Senate rules that currently require reimbursement, as those rules are subject to modification.

One commenter contends that section 9.04, which concerns payments required pursuant to decisions, awards, or settlements under section 415(a) of the Act, conflicts with the Act because it requires employing offices, rather than the OCWR, to pay awards and settlements under the CAA, and because it permits the OCWR to circumvent certain tax reporting obligations it incurs upon payment as the entity in control of the section 415(a) Treasury Account. We disagree for the reasons that follow.

Section 415(a) of the CAA provides, in relevant part, that "only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this chapter." Pursuant to section 415(a), the OCWR, through its Executive Director, prepares and processes requisitions for disbursements from the Treasury account established pursuant to section 415(a) when qualifying final decisions, awards, or approved settlements require the payment of funds. Section 9.04 of the Rules provides guidance for processing certifications of payments from the funds appropriated to the section 415(a) Treasury Account. These procedures are based on regulations issued by the Department of the Treasury's Bureau of Fiscal Services at 31 C.F.R. part 256 that provide guidance to agencies in the executive branch for submitting requests for payments from the Judgment Fund, which is a permanent, indefinite appropriation that is available to pay many judicially and administratively ordered monetary awards against the United States.

Like the Judgment Fund, the Section 415(a) Treasury Account is a permanent, indefinite appropriation intended to pay settlements and awards, including back pay awards, occasioned by agency liability imposed by a statute. It is clear that under existing appropriations law, an employing office must use funds from the section 415(a) Treasury account to pay awards and settlements under the CAA, and the Rules set



forth the proper procedures for complying with this mandate. In the OCWR's view, section 415(b), which "authorizes to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with" the CAA, requires employing offices, and not the OCWR, to perform these administrative payment functions, including ensuring proper tax withholding and reporting, and to pay the expenses related to these functions.

Several commenters suggested that section 9.04 be modified to recognize that the employing offices of the House and the Senate are not actively involved in administering finances or disbursing payments, including making payments required by decisions, awards, or settlements pursuant to section 415 of the CAA. We agree, and we have amended section 9.04 to clarify that employing offices or their designated payroll administrators or disbursing offices may submit payment requests to the OCWR.

The Board declines to follow one commenter's recommendation to withdraw sections 9.04(d) of the Rules concerning back pay, as well as section 9.04(f) concerning tax reporting and withholding obligations, until language consistent with the statutes, rules, regulations, and procedures of both the Senate and the OCWR can be determined. Instead, the Board has amended section 9.04(d) to provide several options to employing offices for disbursement of back pay, including disbursement "pursuant to a method mutually agreed upon by the OCWR and the employing office, payroll administrator, or disbursing office, as applicable." The OCWR welcomes this commentator's invitation to work with it, as well as other payroll administrators and disbursing offices, to craft methods that are consistent with statutes, rules, regulations, and procedures related to payroll administration.

Several commenters also suggested that the OCWR seek a formal determination from the Comptroller General to ensure that the provisions of section 4.09 are consistent with governing appropriations law principles. The Board agrees, and the OCWR will seek such a determination. Any resulting amendments to section 4.09 will be effected pursuant to the notice and comment procedures set forth in section 303 of the Act, 2 U.S.C. 1383.

#### **Explanation Regarding the Text of the Proposed Amendments**

Only subsections of the Procedural Rules that include proposed amendments are reproduced in this NOTICE. The insertion of a series of five asterisks (\*\*\*\*\* ) indicates that a whole section or paragraph, including its subordinate sections paragraphs, is unchanged, and has not been reproduced in this document. The insertion of a series of three asterisks (\*\*\*) indicates that the unamended text of higher level sections or paragraphs remain unchanged when text is changed at a subordinate level, or that preceding or remaining sentences in a paragraph are unchanged. For the text of other portions of the Procedural Rules which are not proposed to be amended, please access the Office of Congressional Workplace Rights public website at [www.ocwr.gov](http://www.ocwr.gov).

#### **ADOPTED AMENDMENTS**

##### **SUBPART A—[AMENDED]**

1. Subpart A has been amended to read as follows:

#### **Subpart A—General Provisions**

##### **§ 1.01 Scope and Policy**

##### **§ 1.02 Definitions**

##### **§ 1.03 Filing and Computation of Time**

##### **§ 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses, and Other Documents**

##### **§ 1.05 Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions**

##### **§ 1.06 Availability of Official Information**

##### **§ 1.07 Designation of Representative; Revocation of Designation**

##### **§ 1.08 Confidentiality**

##### **§ 1.01 Scope and Policy.**

These Rules of the Office of Congressional Workplace Rights (OCWR) govern the procedures for considering and resolving alleged violations of the laws made applicable by the Congressional Accountability Act of 1995 (CAA), as amended by the Congressional Accountability Act of 1995 Reform Act of 2018 (CAARA). The Rules include definitions and procedures for seeking confidential advice, filing a claim with the OCWR, and participating in administrative dispute resolution proceedings at the OCWR. The Rules also address the procedures for occupational safety and health inspections, investigations, and enforcement. The Rules include procedures for the conduct of hearings held as a result of the filing of a claim or complaint and for appeals to the OCWR Board of Directors from Merits Hearing Officers' decisions, as well as other matters of general applicability to the dispute resolution process and to the OCWR's operations. It is the OCWR's policy that these Rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

##### **§ 1.02 Definitions.**

Except as otherwise specifically provided, the following are the definitions of terms used in these Rules:

(a) *Act*.—The term "Act" means the Congressional Accountability Act of 1995, as amended by the Congressional Accountability Act of 1995 Reform Act of 2018.

(b) *Board*.—The term "Board" means the Board of Directors of the Office of Congressional Workplace Rights.

(c) *Chair*.—The term "Chair" means the Chair of the Board of Directors of the Office of Congressional Workplace Rights.

(d) *Claim*.—The term "claim" means the allegations of fact that the claimant contends constitute a violation of sections 102(c) or 201–207 of the Act.

(e) *Claim Form*.—The term "claim form" means the written pleading filed by an individual or his or her designated representative to initiate proceedings with the Office of Congressional Workplace Rights, which describes the facts and law supporting one or more alleged violations of section 102(c) or 201–207 of the Act.

(f) *Claimant*.—The term "claimant" means the individual filing a claim form with the Office of Congressional Workplace Rights, or on whose behalf a claim is filed by a designated representative.

(g) *Complaint*.—The term "complaint" means the written pleading filed with the Office of Congressional Workplace Rights by the General Counsel, which describes the facts and law supporting the alleged violation of sections 210, 215, or 220 of the Act.

(h) *Confidential Advisor*.—The term "Confidential Advisor" means, pursuant to section 302 of the Act, a lawyer appointed or designated by the Executive Director to offer to provide covered employees certain services, on a privileged and confidential basis, which a covered employee may accept or decline. A Confidential Advisor is not the covered employee's designated representative.

*Covered Employee*.—see "Employee, Covered," below.

(i) *Designated Representative*.—The term "designated representative" means an individual, firm, or other entity designated in writing by a party to represent the interests of that party in a matter filed with the Office.

(j) *Direct Act*.—The term "direct act," with regard to a Library claimant, means a statute (other than the Act) that is specified in sections 201, 202, or 203 of the Act.

(k) *Direct Provision*.—The term "direct provision," with regard to a Library claimant, means a direct act provision (including a definitional provision) that applies the rights or protections of a direct act (including the rights and protections relating to non-retaliation or non-coercion).

(l) *Employee*.—The term "employee" includes an applicant for employment and a former employee.

(m) *Employee, Covered*.—The term "covered employee" means:

- (1) any employee of the House of Representatives;
- (2) any employee of the Senate;
- (3) any employee of the Office of Congressional Accessibility Services;
- (4) any employee of the Capitol Police;
- (5) any employee of the Congressional Budget Office;
- (6) any employee of the Office of the Architect of the Capitol;
- (7) any employee of the Office of the Attending Physician;
- (8) any employee of the Office of Congressional Workplace Rights;
- (9) any employee of the Office of Technology Assessment;
- (10) any employee of the Library of Congress, except for purposes of section 220 of the Act;

(11) any employee of the John C. Stennis Center for Public Service Training and Development;

(12) any employee of the China Review Commission, the Congressional Executive China Commission, or the Helsinki Commission;

(13) to the extent provided by sections 204–207 and 215 of the Act, any employee of the Government Accountability Office; or

(14) unpaid staff, as defined below in section 1.02(r) of these Rules.

(n) *Employee of the Office of the Architect of the Capitol*.—The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol or the Botanic Garden.

(o) *Employee of the Capitol Police*.—The term "employee of the Capitol Police" includes civilian employees and any member or officer of the Capitol Police.

(p) *Employee of the House of Representatives*.—The term "employee of the House of Representatives" includes an individual occupying a position the pay for which is disbursed by the Chief Administrative Officer of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(q) *Employee of the Senate*.—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(r) *Employee, Unpaid Staff*.—The terms "unpaid staff" and "unpaid staff member" mean any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties, including an intern, an individual detailed to an employing office, and an individual participating in a fellowship program. This definition includes a former unpaid staff member, if the act(s) that may be a violation of section 201(a) of the Act occurred during the

service of the former unpaid staff member for the employing office.

(s) *Employing Office*.—The term “employing office” means:

(1) the personal office of a Member of the House of Representatives or a Senator;

(2) a committee of the House of Representatives or the Senate or a joint committee;

(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;

(4) the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Congressional Workplace Rights;

(5) the Library of Congress, except for section 220 of the Act;

(6) the John C. Stennis Center for Public Service Training and Development, the Office of Technology Assessment, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission; or

(7) to the extent provided by sections 204–207 and 215 of the Act, the Government Accountability Office.

(t) *Executive Director*.—The term “Executive Director” means the Executive Director of the Office of Congressional Workplace Rights.

(u) *Final Disposition*.—The term “final disposition” under section 416(d) of the Act means any of the following:

(1) an order or agreement to pay an award or settlement, including an agreement reached pursuant to mediation under section 404 of the Act;

(2) a final decision of a Merits Hearing Officer under section 405(g) of the Act that is no longer subject to review by the Board under section 406;

(3) a final decision of the Board under section 406(e) of the Act that is no longer subject to appeal to the United States Court of Appeals for the Federal Circuit under section 407; or

(4) a final decision in a civil action under section 408 of the Act that is no longer subject to appeal.

(v) *General Counsel*.—The term “General Counsel” means the General Counsel of the Office of Congressional Workplace Rights.

(w) *Hearing*.—A “hearing” means an administrative hearing as provided in section 405 of the Act, subject to Board review as provided in section 406 of the Act and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407 of the Act.

(x) *Hearing Officer*.—The term “Hearing Officer” means any individual appointed by the Executive Director to preside over administrative proceedings within the Office of Congressional Workplace Rights.

(y) *Hearing Officer, Merits*.—The term “Merits Hearing Officer” means any individual appointed by the Executive Director to preside over an administrative hearing conducted on matters within the Office’s jurisdiction under section 405 of the Act.

(z) *Hearing Officer, Preliminary*.—The term “Preliminary Hearing Officer” means an individual appointed by the Executive Director to make a preliminary review of claim(s) filed, and to issue a preliminary review report on such claim(s), as provided in section 403 of the Act.

(aa) *Intern*.—The term “intern,” for purposes of section 201(a) and (b) of the Act, means an individual who, for an employing office, performs service which is uncompensated by the United States to earn credit awarded by an educational institution or to

learn a trade or occupation, and includes any individual participating in a page program operated by any House of Congress.

(bb) *Library Claimant*.—A “Library claimant” is a covered employee of the Library of Congress who initially brings a claim, complaint, or charge under a direct provision for a proceeding before the Library of Congress and who may, prior to requesting a hearing under the Library of Congress’s procedures, elect to—

(1) continue with the Library of Congress’ procedures and preserve the option (if any) to bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant; or

(2) file a claim with the Office under section 402 of the Act and continue with the corresponding procedures of this Act available and applicable to a covered employee.

(cc) *Library Visitor*.—The term “Library visitor” means an individual who is eligible to allege a violation under title II or III of the Americans with Disabilities Act of 1990 (other than a violation for which the exclusive remedy is under section 201 of the Act) against the Library of Congress.

(dd) *Member or Member of Congress*.—The terms “Member” and “Member of Congress” mean a United States Senator, a Representative in the House of Representatives, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

*Merits Hearing Officer*.—see “Hearing Officer, Merits,” above.

(ee) *Office*.—The term “Office” means the Office of Congressional Workplace Rights.

(ff) *Party*.—The term “party” means:

(1) a covered employee or employing office in a proceeding to address an alleged violation of sections 102(c) or 201–207 of the Act;

(2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under section 210 of the Act;

(3) a covered employee, an employing office, or the General Counsel in a proceeding under section 215 of the Act;

(4) a labor organization, an employing office or entity, or the General Counsel in a proceeding under section 220 of the Act; or

(5) any individual, employing office, or Member of Congress that has intervened in a proceeding pursuant to the Act or these Rules.

*Preliminary Hearing Officer*.—see “Hearing Officer, Preliminary,” above.

(gg) *Mediator*.—The term “Mediator” means an individual appointed by the Executive Director as an independent neutral who serves in a confidential, interactive process communicating with the parties jointly or separately in an attempt to achieve a mutually acceptable resolution of a claim. The Mediator cannot serve in any other capacity with respect to a claim in connection with which he or she has been appointed to conduct mediation.

(hh) *Respondent*.—The term “respondent” means the party against which a claim, a complaint, or a petition is filed.

(ii) *Senior Staff*.—The term “senior staff,” for purposes of the reporting requirement to the House and Senate Ethics Committees under the Act, means any individual who is employed in the House of Representatives or the Senate who, at the time a violation occurred, was required to file a report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

*Unpaid Staff*.—see “Employee, Unpaid Staff,” above.

### § 1.03 Filing and Computation of Time.

(a) *Method of Filing*.—Documents may be filed in person, electronically, by facsimile (fax), or by mail, including express, overnight, and other expedited delivery. The fil-

ing of all documents is subject to the limitations set forth below. The Board, Hearing Officers, the Executive Director, or the General Counsel may, in their discretion, determine the method by which documents may be filed in a particular proceeding, including ordering one or more parties to use mail, fax, electronic filing, or personal delivery. Parties and their representatives are responsible for ensuring that the Office always has their current postal mailing and e-mail addresses and fax numbers.

(1) *In Person*.—A document shall be deemed timely filed if it is hand delivered to the Office at: Adams Building, Room LA–200, 110 Second Street, SE, Washington, D.C. 20540–1999, before 5:00 p.m. Eastern Time on the last day of the applicable time period.

(2) *By Mail*.—Documents are deemed filed on the date of their postmark or proof of mailing to the Office. Parties, including those using franked mail, are responsible for ensuring that any mailed document bears a postmark date or other proof of the actual date of mailing. Absent a legible postmark, a document will be deemed timely filed if it is received by the Office at Adams Building, Room LA 200, 110 Second Street, SE, Washington, D.C. 20540–1999, by mail within five (5) days of the expiration of the applicable filing period.

(3) *By Fax*.—Documents transmitted by fax machine will be deemed filed on the date received at the Office at 202–426–1913, or on the date received at the Office of the General Counsel at 202–426–1663 if received by 11:59 p.m. Eastern Time. Faxed documents received after 11:59 p.m. Eastern Time will be deemed filed the following business day. A fax filing will be timely only if the document is received no later than 11:59 p.m. Eastern Time on the last day of the applicable filing period. Any party using a fax machine to file a document is responsible for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The time displayed as received by the Office on its fax status report will be used to show the time that the document was filed. When the Office serves a document by fax, the time displayed as sent by the Office on its fax status report will be used to show the time that the document was served. A fax filing cannot exceed 75 pages, inclusive of table of contents, table of authorities, and attachments. Attachments exceeding 75 pages must be submitted to the Office in person or by electronic delivery. The filing date is determined by the date the brief, motion, response, or supporting memorandum is received in the Office, rather than by the date the attachments are received in the Office.

(4) *By Electronic Mail*.—Documents transmitted electronically will be deemed filed on the date received at the Office at [ocwrefile@ocwr.gov](mailto:ocwrefile@ocwr.gov), or on the date received at the Office of the General Counsel at [osh@ocwr.gov](mailto:osh@ocwr.gov) or [adaaccess@ocwr.gov](mailto:adaaccess@ocwr.gov), if received by 11:59 p.m. Eastern Time. Documents received electronically after 11:59 p.m. Eastern Time will be deemed filed the following business day. An electronic filing will be timely only if the document is received no later than 11:59 p.m. Eastern Time on the last day of the applicable filing period. Any party filing a document electronically is responsible for ensuring both that the document is timely and accurately transmitted and for confirming that the Office has received the document. The time displayed as received by the Office will be used to show the time that the document has been filed. When the Office serves a document electronically, the time displayed as sent by the Office will be used to show the time that the document was served. The time displayed as received or sent by the Office will be based

on the document's timestamp information and used to show the time that the document was filed or served.

(b) *Service by the Office.*—At its discretion, the Office may serve documents by mail, fax, electronic transmission, or personal or commercial delivery.

(c) *Computation of Time.*—All time periods in these Rules that are stated in terms of days are calendar days unless otherwise noted. However, when the period of time prescribed is five (5) days or less, intermediate Saturdays, Sundays, Federal government holidays, and other full days that the Office is officially closed for business shall be excluded in the computation. To compute the number of days for taking any action required or permitted under these Rules, the first day shall be the day after the event from which the time period begins to run and the last day for filing or service shall be included in the computation. When the last day falls on a Saturday, Sunday, Federal government holiday, or a day the Office is officially closed, the last day for taking the action shall be the next regular Federal government workday.

(d) *Time Allowances for Mailing, Fax, or Electronic Delivery of Official Notices.*—Whenever a person or party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon him or her and the notice or document is served by mail, 5 days shall be added to the prescribed period. When documents are served by certified mail, return-receipt requested, the prescribed period shall be calculated from the date of receipt as evidenced by the return receipt. When documents are served electronically or by fax, the prescribed period shall be calculated from the date of transmission by the Office.

#### **§ 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses, and Other Documents.**

(a) *Filing with the Office; Number and Form.*—One copy of claims, General Counsel complaints, requests for mediation, requests for inspection under OSH, unfair labor practice charges, charges under titles II and III of the Americans with Disabilities Act of 1990, all motions, briefs, responses, and other documents must be filed with the Office. A party may file an electronic version of any submission in a manner designated by the Board, the Executive Director, the General Counsel, or the Merits Hearing Officer, with receipt confirmed by electronic transmittal in the same manner.

(b) *Service.*—The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than a request for advising, a request for mediation, or a claim. Service shall be made by mailing, by fax or e-mailing, or by hand delivering a copy of the motion, brief, response, or other document to each party, or if represented, the party's representative, on the service list previously provided by the Office. Each of these documents must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

(c) *Time Limitations for Response to Motions or Briefs and Reply.*—Unless otherwise specified by the Merits Hearing Officer or these Rules, a party shall file and serve a response to a motion or brief within 15 days of the service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response. Only with the Merits Hearing Officer's advance approval may either party file additional responses or replies.

(d) *Size Limitations.*—Except as otherwise specified, no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 double-spaced pages, exclusive of the table of contents, table of authorities, and attachments. Footnotes, endnotes, and block quotes may be single-spaced. The Board, the Executive Director, or the Merits Hearing Officer may modify this limitation upon motion and for good cause shown, or on their own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8½" x 11") and shall use a font size no smaller than 12-point. If a filing exceeds 35 double-spaced pages, the Board, the Executive Director, or the Merits Hearing Officer may, in their discretion, reject the filing in whole or in part, and may provide the parties an opportunity to refile.

#### **§ 1.05 Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions.**

(a) *Signing.*—Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative, except that a claim form must be signed by the claimant under oath or affirmation pursuant to section 4.04(c) of these Rules. A party who is not represented shall sign the pleading, motion, or other filing. In the case of an electronic filing, an electronic signature is acceptable. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing, and that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, each of the following is correct:

(1) it is not presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter;

(2) the claims, defenses, and other legal contentions the party advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further review or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(b) *Sanctions.*—If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon their own initiative, may impose an appropriate sanction, which may include the sanctions specified in section 7.02 of these Rules.

#### **§ 1.06 Availability of Official Information.**

(a) *Policy.*—It is the policy of the Board, the Executive Director, and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in paragraph (d) below.

(b) *Availability.*—Any person may examine and copy items described in paragraph (a) above at the Office of Congressional Workplace Rights, Adams Building, Room LA-200, 110 Second Street SE, Washington, D.C. 20540-1999, under conditions prescribed by the Office, including requiring payment for copying costs, and at reasonable times during normal working hours so long as it does not

interfere with the efficient operations of the Office. As ordered by the Board, the Office may withhold or place under seal identifying details or other necessary matters, and, in each case, the reason for the withholding or sealing shall be stated in writing.

(c) *Copies of Forms.*—Copies of blank forms prescribed by the Office for the filing of claims, complaints, and other actions or requests may be obtained from the Office or online at [www.ocwr.gov](http://www.ocwr.gov).

(d) *Final Decisions.*—Pursuant to section 416(e) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act that is in favor of the claimant, or is in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision which had been in favor of a claimant or charging party, shall be made public. The Board may make public any other decision at its discretion.

(e) *Release of Records for Judicial Action.*—The records of Hearing Officers and the Board may be made public if required for the purpose of judicial review under section 407 of the Act.

#### **§ 1.07 Designation of Representative; Revocation of Designation.**

(a) *Designation of Representative.*—A party wishing to be represented must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. If the representative is an attorney, he or she may sign the designation of representative on behalf of the party. No more than one representative, firm, or other entity may be designated as representative for a party for the purpose of receiving service, unless approved in writing by the Hearing Officer or Executive Director.

(b) *Service When There is a Representative.*—Service of documents shall be on the representative unless and until such time as the represented party or representative, with notice to the party, notifies the Executive Director in writing of a modification or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials shall be computed in the same manner as for those who are unrepresented, with service of the documents, however, directed to the representative.

(c) *Revocation of a Designation of Representative.*—A revocation of a designation of representative, whether made by the party or by the representative with notice to the party, must be made in writing and filed with the Office. A representative who withdraws after an administrative hearing has been requested under section 405 of the Act must provide sufficient notice to the Merits Hearing Officer and the parties of record of his or her withdrawal from the case. The revocation will be deemed effective the date of receipt by the Office. Consistent with any applicable statutory time limit, at the discretion of the Executive Director, General Counsel, Mediator, Hearing Officer, or Board, additional time may be provided to allow the party to designate a new representative as consistent with the Act. Until the party designates another representative in writing, the party will be regarded as appearing pro se.

#### **§ 1.08 Confidentiality.**

(a) *Policy.*—Except as provided in sections 302(d) and 416(c), (d), and (e) of the Act, the Office shall maintain confidentiality in the confidential advising process, mediation, and the proceedings and deliberations of Hearing Officers and the Board in accordance with sections 302(d)(2)(B) and 416(a)–(b) of the Act.

(b) *Participant.*—For the purposes of this rule, "participant" means an individual or

entity who takes part as either a covered employee, party, witness, or designated representative in confidential advising under section 302(d) of the Act, mediation under section 404, the claim and hearing process under section 405, an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these Rules.

(c) *Prohibition*.—Unless specifically authorized by the provisions of the Act or by these Rules, no participant in the confidential advising process, mediation, or other proceedings made confidential under section 416 of the Act may disclose a written or an oral communication that is prepared for the purpose of or that occurs during the confidential advising process, mediation, or the proceedings or deliberations of Hearing Officers or the Board.

(d) *Exceptions*.—Nothing in these Rules prohibits a party or its representative from disclosing information obtained in mediation or hearings when reasonably necessary to investigate claims, ensure compliance with the Act, or prepare its prosecution or defense. However, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information. These Rules do not preclude disclosures between a party and that party's designated representative, provided that the party or designated representative to whom the information is disclosed maintains the confidentiality of such information. These Rules do not preclude a Mediator from consulting with the Office, except that when the covered employee is an employee of the Office, a Mediator shall not consult with any individual within the Office who is or who might be a party or witness. These Rules do not preclude the Office from reporting information to the Senate and House of Representatives as required by the Act.

(e) *Contents or Records of Mediation or Hearings*.—For the purpose of this rule, the contents or records of the confidential advising process, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by the opposing party, witnesses, or the Office. A participant is free to disclose facts and other information obtained from any source outside of the mediation or hearing. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, a claimant who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a claimant may be disclosed by that claimant, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

(f) *Sanctions*.—The Executive Director will advise all participants in the mediation and hearing at the time they became participants of the confidentiality requirements of section 416 of the Act and that sanctions may be imposed by a Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause, the particulars of which must be stated in the sanction order.

#### SUBPART B—[AMENDED]

2. *Subpart B has been amended by:*

(a) *Removing sections 2.01 through 2.07; and*

(b) *Reserving subpart B for rules concerning "Compliance, Investigation, and Enforcement under Section 210 of the Act (ADA Public Services)—Inspections and Complaints"*

#### SUBPART C—[REDESIGNATED AND AMENDED]

3. *Subpart C has been amended by:*

(a) *Redesignating subpart D as subpart C, and amending the references as indicated in the table below:*

Old Section	New Section
4.01	3.01
4.02	3.02
4.03	3.03
4.04	3.04
4.05	3.05
4.06	3.06
4.07	3.07
4.08	3.08
4.09	3.09
4.10	3.10
4.11	3.11
4.12	3.12
4.13	3.13
4.14	3.14
4.15	3.15
4.20	3.20
4.21	3.21
4.22	3.22
4.23	3.23
4.24	3.24
4.25	3.25
4.26	3.26
4.27	3.27
4.28	3.28
4.29	3.29
4.30	3.30
4.31	3.31

(b) *In subpart C, when referencing sections 4.01 through 4.15 or 4.20 through 4.31, writing the corresponding new section number as indicated in the table above.*

(c) *Amending redesignated section 3.07 by revising the last sentence of paragraph (g)(1) as follows:*

\* \* \* \* \*

#### § 3.07 Conduct of Inspections.

\* \* \* \* \*

(g) *Trade Secrets.*

(1) \* \* \* In any such proceeding the Merits Hearing Officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(d) *Amending redesignated section 3.14 by revising the second sentence of paragraph (b) as follows:*

#### § 3.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint.

\* \* \* \* \*

(b) \* \* \* The complaint shall be submitted to a Merits Hearing Officer for decision pursuant to subsections (b) through (h) of section 405 of the Act, subject to review by the Board pursuant to section 406. \* \* \*

(e) *Amending redesignated section 3.22 by revising the second sentence as follows:*

#### § 3.22 Effect of Variances.

\* \* \* In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a Merits Hearing Officer, or the Board until the completion of such proceeding.

(f) *Amending redesignated section 3.25 by:*

(i) *Revising the second sentence of paragraph (a); and*

(ii) *Revising the second sentence of paragraph (c)(1).*

*The revisions read as follows:*

#### § 3.25 Applications for Temporary Variances and Other Relief.

(a) *Application for Variance.* \* \* \* Pursuant to section 215(c)(4) of the Act, the Board

shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. \* \* \*

\* \* \* \* \*

(c) *Interim Order.*

(1) *Application.* \* \* \* The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

\* \* \* \* \*

(g) *Amending redesignated section 3.26 by:*

(i) *Revising the second sentence of paragraph (a); and*

(ii) *Revising the second sentence of paragraph (c)(1).*

*The revisions read as follows:*

#### § 3.26 Applications for Permanent Variances and Other Relief.

(a) *Application for Variance.* \* \* \* Pursuant to section 215(c)(4) of the Act, the Board shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

\* \* \* \* \*

(c) *Interim Order.*

(1) *Application.* \* \* \* The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

\* \* \* \* \*

(h) *Amending redesignated section 3.28 by revising paragraph (a)(1) as follows:*

#### § 3.28 Action on Applications.

(a) *Defective Applications.*

(1) If an application filed pursuant to sections 3.25(a), 3.26(a), or 3.27 of these Rules does not conform to the applicable section, the Merits Hearing Officer or the Board, as applicable, may deny the application.

\* \* \* \* \*

(i) *Amending redesignated section 3.29 by revising it as follows:*

#### § 3.29 Consolidation of Proceedings.

On the motion of the Merits Hearing Officer or the Board or that of any party, the Merits Hearing Officer or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

(j) *Amending redesignated section 3.30 by*

(i) *Revising the second sentence of paragraph (a)(1);*

(ii) *Revising paragraph (b)(3);*

(iii) *Revising paragraph (c); and*

(iv) *Revising paragraph (d).*

*The revisions read as follows:*

#### § 3.30 Consent Findings and Rules or Orders.

(a) *General.* \* \* \* The allowance of such opportunity and the duration thereof shall be in the discretion of the Merits Hearing Officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents.* Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

\* \* \* \* \*

(3) a waiver of any further procedural steps before the Merits Hearing Officer and the Board; and

\* \* \* \* \*

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) submit the proposed agreement to the Merits Hearing Officer for his or her consideration; or

(2) inform the Merits Hearing Officer that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Merits Hearing Officer may accept such agreement by issuing his or her decision based upon the agreed findings.

(k) *Amending redesignated section 3.31 by revising paragraph (a) as follows:*

**§ 3.31 Order of Proceedings and Burden of Proof.**

(a) *Order of Proceeding.* Except as may be ordered otherwise by the Merits Hearing Officer, the party applicant for relief shall proceed first at a hearing.

\* \* \* \* \*

**SUBPART D—[AMENDED]**

4. *Subpart D has been amended as follows:*

**Subpart D—Claims Procedures Applicable to Consideration of Alleged Violations of Sections 102(c) and 201-207 of the Congressional Accountability Act of 1995, as amended by the CAA Reform Act of 2018.**

**§ 4.01 Matters Covered by this Subpart**

**§ 4.02 Requests for Advice and Information**

**§ 4.03 Confidential Advising Services**

**§ 4.04 Claims**

**§ 4.05 Right to File a Civil Action**

**§ 4.06 Initial Processing and Transmission of Claim; Notification Requirements**

**§ 4.07 Mediation**

**§ 4.08 Preliminary Review of Claim**

**§ 4.09 Request for Administrative Hearing**

**§ 4.10 Dismissal, Summary Judgment, and Withdrawal of Claim**

**§ 4.11 Confidentiality**

**§ 4.12 Automatic Referral to Congressional Ethics Committees**

**§ 4.01 Matters Covered by this Subpart.**

(a) These Rules govern the processing of any allegation that sections 102(c) or 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 102(c) and 201-206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

- (1) the Fair Labor Standards Act of 1938
- (2) title VII of the Civil Rights Act of 1964
- (3) title I of the Americans with Disabilities Act of 1990
- (4) the Age Discrimination in Employment Act of 1967
- (5) the Family and Medical Leave Act of 1993
- (6) the Employee Polygraph Protection Act of 1988
- (7) the Worker Adjustment and Retraining Notification Act
- (8) the Rehabilitation Act of 1973
- (9) chapter 43 (relating to veterans' employment and re-employment) of title 38, United States Code
- (10) chapter 35 (relating to veterans' preference) of title 5, United States Code
- (11) the Genetic Information Non-discrimination Act of 2008

(b) This subpart applies to the covered employees and employing offices as defined in sections 1.02(m) and 1.02(s) of these Rules and any activities within the coverage of sections 102(c) and 201-207 of the Act and referenced above in section 4.01(a) of these Rules.

**§ 4.02 Requests for Information.**

At any time, an employee or an employing office may seek from the Office information on the protections, rights, responsibilities, and available procedures under the Act. The Office will maintain the confidentiality of requests for such information.

**§ 4.03 Confidential Advising Services.**

(a) *Appointment or Designation of Confidential Advisors.* The Executive Director shall

appoint or designate one or more Confidential Advisors to carry out the duties set forth in section 302(d)(2) of the Act.

(1) *Qualifications.* A Confidential Advisor appointed or designated by the Executive Director must be a lawyer who is admitted to practice before, and is in good standing with, the bar of a State or territory of the United States or the District of Columbia, and who has experience representing clients in cases involving the laws incorporated by section 102 of the Act. A Confidential Advisor may be an employee of the Office. A Confidential Advisor cannot serve as a Mediator in any mediation conducted pursuant to section 404 of the Act.

(2) *Restrictions.* A Confidential Advisor may not act as the designated representative for any covered employee in connection with the covered employee's participation in any proceeding, including any proceeding under the Act, any judicial proceeding, or any proceeding before any committee of Congress. A Confidential Advisor may not offer or provide any of the services in section 302(d)(2) of the Act if the covered employee has designated an attorney representative in connection with the employee's participation in any proceeding under the Act, except that the Confidential Advisor may provide general assistance and information to the attorney representative regarding the Act and the role of the Office, as the Confidential Advisor deems appropriate.

(3) *Continuity of Service.*—Once a covered employee has accepted and received any services offered under section 302(d)(2) of the Act from a Confidential Advisor, any other services requested under section 302(d)(2) by the covered employee shall be provided, to the extent practicable, by the same Confidential Advisor.

(b) *Who May Obtain the Services of a Confidential Advisor.*—The services provided by a Confidential Advisor are available to any covered employee, including any unpaid staff and any former covered employee, except that a former covered employee may only request such services if the alleged violation occurred during the employment or service of the employee; and a covered employee may only request such services before the end of the 180-day period described in section 402(d) of the Act.

(c) *Services Provided by a Confidential Advisor.*—A Confidential Advisor shall offer to provide the following services to covered employees, on a privileged and confidential basis, which may be accepted or declined:

- (1) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act about the employee's rights under the Act;
- (2) consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act regarding—

(A) the roles, responsibilities, and authority of the Office; and

(B) the relative merits of securing private counsel, designating a non-attorney representative, or proceeding without representation for proceedings before the Office;

(3) advising and consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act regarding any claims the covered employee may have under title IV of the Act, the factual allegations that support each such claim, and the relative merits of the procedural options available to the employee for each such claim;

(4) assisting, on a privileged and confidential basis, a covered employee who seeks consideration under title IV of an allegation

of a violation of sections 102(c) or 201-207 of the Act in understanding the procedures, and the significance of the procedures, described in title IV, including—

(A) assisting or consulting with the covered employee regarding the drafting of a claim form to be filed under section 402(a) of the Act; and

(B) consulting with the covered employee regarding the procedural options available to the covered employee after a claim form is filed, and the relative merits of each option; and

(5) informing, on a privileged and confidential basis, a covered employee about the option of providing information to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate.

(d) *Privilege and Confidentiality.*—Although the Confidential Advisor is not the employee's representative, the services provided under paragraph (c) of this section, and any related communications between the Confidential Advisor and the employee before or after the filing of a claim, shall be strictly confidential and shall be privileged from discovery. All documents reflecting the Confidential Advisor's communications with the employee are not records of the Office within the meaning of section 301(m) of the Act. Upon request from the Office, the Confidential Advisor may provide the Office with statistical information about the number of contacts from covered employees and the general subject matter of the contacts from covered employees.

**§ 4.04 Claims.**

(a) *Who May File.*—A covered employee alleging any violation of sections 102(c) or 201-207 of the Act may commence a proceeding by filing a timely claim pursuant to section 402 of the Act.

(b) *When to File.*

(1) A covered employee may not file a claim under this section alleging a violation of law after the expiration of the 180-day period that begins on the date of the alleged violation.

(2) *Special Rule for Library of Congress Claimants.*—A claim filed by a Library claimant shall be deemed timely filed under section 402 of the Act:

(A) if the Library claimant files the claim within the time period specified in subparagraph (1); or

(B) the Library claimant:

(i) initially filed a claim under the Library of Congress's procedures set forth in the applicable direct provision under section 401(d)(1)(B) of the Act;

(ii) met any initial deadline under the Library of Congress's procedures for filing the claim; and

(iii) subsequently elected to file a claim with the Office under section 402 of the Act prior to requesting a hearing under the Library of Congress's procedures.

(c) *Form and Contents.*—All claims shall be on the form provided by the Office either on paper or electronically, signed manually or electronically under oath or affirmation by the claimant, and contain the following information, if known:

(1) the name, mailing and e-mail addresses, and telephone number(s) of the claimant;

(2) the name of the employing office against which the claim is brought;

(3) the name(s) and title(s) of the individual(s) involved in the conduct that the employee alleges is a violation of the Act;

(4) a description of the conduct being challenged, including the date(s) of the conduct;

(5) a description of why the claimant believes the challenged conduct is a violation of the Act;

(6) a statement of the specific relief or remedy sought; and

(7) the name, mailing and e-mail addresses, and telephone number of the representative, if any, who will act on behalf of the claimant.

(d) *Election of Remedies for Library of Congress Employees.*—A Library claimant who initially files a claim for an alleged violation as provided in section 402 of the Act may, at any time before the date that is 10 days after a Preliminary Hearing Officer submits the report on the preliminary review of the claim pursuant to section 403, elect instead to bring the claim before the Library of Congress under the corresponding direct provision.

#### **§ 4.05 Right to File a Civil Action.**

(a) *Civil Action.*—A covered employee may file a civil action in Federal district court pursuant to section 401(b) of the Act if the covered employee:

(1) has timely filed a claim as provided in section 402 of the Act; and

(2) has not submitted a request for an administrative hearing on the claim pursuant to section 405(a) of the Act.

(b) *Period for Filing a Civil Action.*—A civil action pursuant to section 401(b) of the Act must be filed within a 70-day period beginning on the date the claim form was filed, except where:

(1) the 70-day period is tolled as a result of the parties engaging in mediation prior to the conclusion of the 70-day period; or

(2) the Preliminary Hearing Officer determines that the claimant is not a covered employee who has stated a claim for which relief may be granted, as provided in section 4.08(f) of these Rules, in which case the civil action must be filed within a 90-day period beginning on the date the claimant receives written notice of the Preliminary Hearing Officer's decision.

(c) *Effect of Filing a Civil Action.*—If a claimant files a civil action concerning a claim during a preliminary review of that claim pursuant to section 403 of the Act, the review terminates immediately upon the filing of the civil action, and the Preliminary Hearing Officer has no further involvement.

(d) *Notification of Filing a Civil Action.*—A claimant filing a civil action in Federal district court pursuant to section 401(b) of the Act shall notify the Office within 3 days of the filing.

#### **§ 4.06 Initial Processing and Transmission of Claim; Notification Requirements.**

(a) After receiving a claim form, the Office shall record the pleading, transmit immediately (i.e., without undue delay) a copy of the claim form to the head of the employing office and the designated representative of that office, and provide the parties with all relevant information regarding their rights under the Act, as well as a service list containing the names and addresses of the parties and their designated representatives. An employee filing an amended claim form shall serve a copy of the amended claim form upon all other parties in the manner provided by section 1.04(b). A copy of these Rules also may be provided to the parties upon request.

(b) *Notification of Availability of Mediation.*

(1) Upon receipt of a claim form, the Office shall notify the covered employee who filed the claim form about the mediation process under section 4.07 of these Rules below and the deadlines applicable to mediation.

(2) Upon transmission to the employing office of the claim, the Office shall notify the employing office about the mediation process under the Act and the deadlines applicable to mediation.

(c) *Special Notification Requirements for Claims Based on Acts by Members of Congress.*—When a claim alleges a Member personally committed a violation described in section 415(d)(1)(C) of the Act, or a violation

of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the Office shall notify immediately (i.e., without undue delay) such Member of the claim, the possibility that the Member may be required to reimburse the account described in section 415(a) of the Act for the reimbursable portion of any award or settlement in connection with the claim, and the right of the Member under section 415(d)(8) to intervene in any mediation, hearing, or civil action under the Act concerning the claim, as well as the method of intervening.

(d) *Special Rule for Architect of the Capitol and Capitol Police Employees.*—The Executive Director, after receiving a claim filed under section 402 of the Act, may recommend that a claimant use, for a specific period of time, the grievance procedures referenced in any Memorandum of Understanding between the Office and the Architect of the Capitol or the Capitol Police. Any pending deadline in the Act relating to a claim for which the claimant uses such grievance procedures shall be stayed during that specific period of time.

#### **§ 4.07 Mediation.**

(a) *Overview.*—Mediation is a process by which covered employees, including unpaid staff for purposes of section 201 of the Act, employing offices, and their representatives, if any, meet with a Mediator trained to assist them in resolving disputes. As participants in the mediation, employees, employing offices, and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The Mediator cannot impose a specific resolution, and all information discussed or disclosed in the course of any mediation shall be strictly confidential, pursuant to section 416 of the Act. Notwithstanding the foregoing, section 416 expressly provides that a covered employee may disclose the “factual allegations underlying the covered employee's claim” and an employing office may disclose “the factual allegations underlying the employing office's defense to the claim[.]”

(b) *Availability of Optional Mediation.*—Upon receipt of a claim filed pursuant to section 402 of the Act, the Office shall notify the covered employee and the employing office about the process for mediation and applicable deadlines. If the claim alleges a Member personally committed a violation described in section 415(d)(1)(C) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the Office shall permit the Member to intervene in the mediation. The request for mediation shall contain the claim number, the requesting party's name, office or personal address, e-mail address, telephone number, and the opposing party's name.

(c) *Timing.*—The covered employee or the employing office may file a written request for mediation beginning on the date that the covered employee or employing office, respectively, receives notice from the Office about the mediation process. The time to request mediation under these Rules ends on the date on which a Merits Hearing Officer issues a written decision on the claim, or the covered employee files a civil action.

(d) *Notice of Commencement of the Mediation.*—The Office shall promptly notify the opposing party or its designated representative, and any intervenor Member or the intervenor Member's designated representative, of the request for mediation and the deadlines applicable to such mediation. When a claim alleges a Member personally

committed a violation described in section 415(d)(1)(C) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, if the Member has not already intervened in the matter, the Office shall notify promptly such Member of the right to intervene in any mediation concerning the claim, as well as the method of intervening.

(e) *Selection of Mediators; Disqualification.*—Upon receipt of the opposing party's agreement to mediate, the Executive Director shall assign one or more Mediators from a master list developed and maintained pursuant to section 404 of the Act, to commence the mediation process. Should the Mediator consider himself or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a Mediator by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director's decision on this request shall be final and unreviewable.

(f) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the first day after the opposing party agrees to mediate the matter.

(2) The Executive Director shall extend the mediation period an additional 30 days upon the joint written request of the claimant and respondent, or of the appointed Mediator on behalf of the claimant and respondent. The request shall be written and filed with the Executive Director no later than the last day of the mediation period.

(g) *Effect of Mediation on Proceedings.*

Upon the claimant's and respondent's agreement to mediate a claim, any deadline relating to the processing of that claim that has not already passed by the first day of the mediation period, including the deadline for filing a civil action, shall be stayed during the mediation period.

(h) *Procedures.*

(1) *The Mediator's Role.*—After assignment of the case, the Mediator will contact the parties. The Mediator has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The Mediator may accept and may ask the parties to provide written submissions.

(2) *The Agreement to Mediate.*—At the commencement of the mediation, the Mediator will ask the participants and/or their representative to sign an agreement prepared by the Office (“the Agreement to Mediate”). The Agreement to Mediate will define what is to be kept confidential during mediation and set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process and a notice that a breach of the mediation agreement could result in sanctions later in the proceedings.

(i) *Participation.*—The parties, including an intervenor Member, may elect to participate in mediation proceedings through a designated representative, provided that the representative has actual authority to agree to a settlement agreement, or has immediate access to someone with actual settlement authority, and provided further that, should the Mediator deem it appropriate at any time, the physical presence in mediation of any party may be requested. The Office may participate in the mediation process through a representative and/or observer. The Mediator may determine, as best serves the interests of mediation, whether the participants may meet jointly or separately with the Mediator. At the request of any of the parties,



the parties shall be separated during mediation.

(j) *Settlement Agreements.*—At any time during mediation the parties may settle a dispute in accordance with section 9.03 of these Rules.

(k) *Conclusion of the Mediation Period and Notice.*—If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, the Member (when applicable), the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice will be e-filed, e-mailed, sent by first-class mail, faxed, or personally delivered.

(l) *Independence of the Mediation Process and the Mediator.*—The Office will maintain the independence of the mediation process and the Mediator. No individual appointed by the Executive Director to mediate may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(m) *Violation of Confidentiality in Mediation.*—An allegation of a violation of the confidentiality provisions may be made by a party in mediation to the Mediator during the mediation period and, if not resolved by agreement in mediation, to a Merits Hearing Officer during proceedings brought under section 405 of the Act.

(n) *Exceptions to Confidentiality in Mediation.*—It shall not be a violation of confidentiality to provide the information required by sections 301(l) and 416(d) of the Act.

#### **§ 4.08 Preliminary Review of Claims.**

(a) *Appointment of Preliminary Hearing Officer.*—Not later than 7 days after transmission to the employing office of a claim or claims, the Executive Director shall appoint a Hearing Officer to conduct a preliminary review of the claim or claims filed by the claimant. The appointment of the Preliminary Hearing Officer shall be in accordance with the requirements of section 405(c) of the Act. The Office shall promptly notify the parties of the appointment of the Preliminary Hearing Officer, with the notice to include the Preliminary Hearing Officer's name.

(b) *Disqualifying a Preliminary Hearing Officer.*

(1) In the event that a Preliminary Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(2) Any party may submit a request to the Executive Director that a Preliminary Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This request shall specifically set forth the reasons supporting the request and be submitted as soon as the party has reason to believe that there is a basis for disqualification.

(3) The Executive Director shall promptly decide on the withdrawal request. If the request is granted, the Executive Director will appoint another Preliminary Hearing Officer within 3 days. Any objection to the Executive Director's decision on the withdrawal motion shall not be deemed waived by a party's further participation in the preliminary review process. Such objection will not stay the conduct of the preliminary review process.

(c) *Assessments Required.*—In conducting a preliminary review of a claim or claims

under this section, the Preliminary Hearing Officer shall assess each of the following:

(1) whether the claimant is a covered employee authorized to obtain relief relating to the claim(s) under the Act;

(2) whether the office which is the subject of the claim(s) is an employing office under the Act;

(3) whether the individual filing the claim(s) has met the applicable deadlines for filing the claim(s) under the Act;

(4) the identification of factual and legal issues in the claim(s);

(5) the specific relief sought by the claimant;

(6) whether, on the basis of the assessments made under subparagraphs (1) through (5), the claimant is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under the Act; and

(7) the potential for the settlement of the claim(s) without a formal hearing as provided under section 405 of the Act or a civil action as provided under section 408 of the Act.

(d) *Amendments to Claims.*—A claimant may file one amended claim form as a matter of right within 15 days after the filing of the initial claim form.

(e) *Report on Preliminary Review.*

(1) Except as provided in subparagraph (3), not earlier than 20 days but not later than 30 days after a claim form is filed, the Preliminary Hearing Officer shall submit to the parties, including any intervenor Member, a report on the preliminary review. The report shall include a determination whether the claimant is a covered employee who has stated at least one claim for which, if the allegations contained in the claim are true, relief may be granted under the Act. Submitting the report concludes the preliminary review.

(2) In determining whether a claimant has stated a claim for which relief may be granted under the Act, the Preliminary Hearing Officer shall:

(A) be guided by judicial and Board decisions under the laws made applicable by section 102 of the Act; and

(B) consider whether the legal contentions the claimant advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(3) *Extension of Deadline.*—The Preliminary Hearing Officer may, upon notice to the individual filing the claim(s) and the respondent(s), use an additional period of not to exceed 30 days to conclude the preliminary review.

(4) *No Evidentiary Value or Preclusive Effect.*—The determinations in a report on preliminary review shall have no evidentiary value or preclusive effect in any administrative hearing before a Merits Hearing Officer or in any appeal to the Board.

(5) *No Appellate Review.*—A report on preliminary review is not subject to review by the Merits Hearing Officer or the Board.

(f) *Effect of Determination That a Claimant Is a Covered Employee Who Has Stated a Claim for Which Relief May Be Granted.*

(1) If the Preliminary Hearing Officer's report under paragraph (e) includes the determination that the claimant is a covered employee who has stated at least one claim for which relief may be granted under the Act:

(A) the claimant (including a Library claimant) may either obtain an administrative hearing as provided under section 405 of the Act concerning all claims asserted in the claim form, or file a civil action as provided under section 408 of the Act concerning all claims asserted in the claim form; and

(B) the Preliminary Hearing Officer shall provide the claimant and the Executive Director with written notice that the claimant

may either obtain an administrative hearing or file a civil action pursuant to subparagraph (A).

(2) A claimant who chooses to obtain an administrative hearing must make a request for a hearing not later than 10 days after receiving the written notice referred to in subparagraph (1)(B).

(3) A claimant who chooses to file a civil action must do so not later than 70 days after the initial filing of the claim form.

(g) *Effect of Determination That a Claimant Is Not a Covered Employee Who Has Stated a Claim for Which Relief May Be Granted.*

(1) If the Preliminary Hearing Officer's report under paragraph (e) includes the determination that the claimant is not a covered employee who has stated at least one claim for which relief may be granted under the Act:

(A) the claimant (including a Library claimant) may not obtain an administrative hearing as provided under section 405 of the Act concerning the claims asserted in the claim form; and

(B) the Preliminary Hearing Officer shall provide the claimant and the Executive Director with written notice that the claimant may file a civil action concerning the claims asserted in the claim form in accordance with section 408 of the Act.

(2) The claimant must file the civil action not later than 90 days after receiving the written notice referred to in subparagraph (1)(B).

(h) *Transmission of Report on Preliminary Review of Certain Claims to Congressional Ethics Committees.*—When a Preliminary Hearing Officer issues a report on the preliminary review of a claim alleging a violation described in section 415(d)(1)(C) of the Act, the Preliminary Hearing Officer shall transmit the report to—

(1) the Committee on Ethics of the House of Representatives, in the case of such an alleged act by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); or

(2) the Select Committee on Ethics of the Senate, in the case of such an alleged act by a Senator.

#### **§ 4.09 Request for Administrative Hearing.**

(a) Except as provided in paragraph (b), a claimant may submit to the Executive Director a written request for an administrative hearing under section 405 of the Act not later than 10 days after the Preliminary Hearing Officer submits the report on the preliminary review of a claim under section 403(c).

(b) A claimant may not request an administrative hearing under section 405 of the Act if—

(1) the preliminary review report of the claim under section 403(c) of the Act includes the determination that the individual filing the claim is not a covered employee who has stated at least one claim for which relief may be granted, as described in section 403(d) of the Act; or

(2) the covered employee files a civil action concerning any of the claims asserted in the claim form as provided in section 408 of the Act.

(c) *Notification of Request for Administrative Hearing.*—The Office shall promptly notify the employing office or its designated representative, as well as any intervenor Member or the intervenor Member's designated representative, of the claimant's request for an administrative hearing. When a claim alleges a Member personally committed a violation described in section 415(d)(1)(A) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established

by section 415(a) of the Act, if the Member has not already intervened in the matter, the Office shall notify promptly such Member of the right to intervene in any hearing concerning the claim, as well as the method of intervening.

(d) *Appointment of the Merits Hearing Officer.*

(1) Upon the filing of a request for an administrative hearing under paragraph (a) of this section, the Executive Director shall appoint an independent Merits Hearing Officer to consider the claim(s) and render a decision, who shall have the authority specified in sections 4.10 and 7.01 of these Rules below.

(2) The Preliminary Hearing Officer shall not serve as the Merits Hearing Officer in the same case.

(e) *Amendments to Claims.* Any request to amend the claim(s) after a hearing has been requested must be made by motion to the Merits Hearing Officer. The motion must be accompanied by a copy of the proposed amended claim form. Amendments to claims may be permitted in the Merits Hearing Officer's discretion provided that:

(1) the amendments relate to the claims that were subject to preliminary review pursuant to section 4.08 of these Rules; and

(2) such amendments will not unduly prejudice the rights of the employing office or of other parties, unduly delay the proceedings, or otherwise interfere with or impede the proceedings.

(f) *Answer.*

(1) Within 15 days after receiving notice of a request for an administrative hearing under paragraph (a), the respondent(s) shall file an answer with the Office and serve one copy on the claimant.

(2) In answering a claim form, a respondent must state in short and plain terms its defenses to each claim asserted against it, and admit or deny the allegations asserted against it. If the respondent lacks knowledge or information sufficient to form a belief about the truth of an allegation, the respondent must so state, and the statement has the effect of a denial.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the claim form shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motions to Dismiss.*—In addition to an answer, a respondent or intervening Member may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the claimant. Responses to any motions shall comply with section 1.04(c) of these Rules. If, on a motion to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleadings are presented to and not excluded by the Merits Hearing Officer, the motion must be treated as one for summary judgment, and all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

#### **§ 4.10 Dismissal, Summary Judgment, and Withdrawal of Claim.**

(a) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss any claim that the Merits Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted. The findings of the Preliminary Hearing Officer

shall have no evidentiary value or preclusive effect on the Merits Hearing Officer's determination.

(b) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss a claim because it fails to comply with the applicable time limits or other requirements under the Act or these Rules. The findings of the Preliminary Hearing Officer shall have no evidentiary value or preclusive effect on the Merits Hearing Officer's determination.

(c) *Failure to Proceed.*—If a claimant fails to proceed with a claim, the Merits Hearing Officer may dismiss the claim with prejudice.

(d) *Summary Judgment.*—A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on the claim.

(e) *Appeal.*—A final decision by the Merits Hearing Officer made under section 4.10 or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01 of these Rules. A final decision under sections 4.10(a)–(d) of these Rules that does not resolve all of the issues in the case before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(f) *Withdrawal of Claim.* At any time, a claimant may withdraw his or her own claim(s) by filing a notice with the Office for transmittal to the Preliminary or Merits Hearing Officer and by serving a copy on the respondent(s). Any such withdrawal must be approved by the relevant Hearing Officer and may be with or without prejudice to refile at that Hearing Officer's discretion.

#### **§ 4.11 Confidentiality.**

(a) Pursuant to section 416 of the Act, except as provided in subsections 416(c), (d) and (e), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. A violation of the confidentiality requirements of the Act and these Rules may result in the imposition of procedural or evidentiary sanctions. See also sections 1.08 and 7.12 of these Rules.

(b) The fact that a request for an administrative hearing has been filed with the Office by a covered employee shall be kept confidential by the Office, except as allowed by these Rules.

#### **§ 4.12 Automatic Referral to Congressional Ethics Committees.**

(a) Pursuant to section 416(d) of the Act, upon the final disposition of a claim alleging a violation described in section 415(d)(1)(C) committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or by a senior staff member of the House of Representatives or Senate, the Executive Director shall refer the claim to—

(1) the Committee on Ethics of the House of Representatives, in the case of a Member or senior staff of the House; or

(2) the Select Committee on Ethics of the Senate, in the case of a Senator or senior staff of the Senate.

(b) Within 5 business days after the referral of a claim to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate pursuant to paragraph (a), the Executive Director shall provide the Committee with access to the records of any preliminary reviews, hearings, or decisions of the Hearing Officers and the Board concerning the claim, and any information relating to an award or settlement paid in response to the claim.

#### **SUBPART E—[AMENDED]**

5. *Subpart E has been amended as follows:*

#### **Subpart E—General Counsel Complaints**

##### **§ 5.01 Complaints**

##### **§ 5.02 Appointment of the Merits Hearing Officer**

##### **§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint**

##### **§ 5.04 Confidentiality**

##### **§ 5.01 Complaints.**

(a) *Who May File.*

The General Counsel may timely file a complaint alleging a violation of sections 210, 215 or 220 of the Act.

(b) *When to File.*

A complaint may be filed by the General Counsel:

(1) after the investigation of a charge filed under section 210 or 220 of the Act, or

(2) after the issuance of a citation or notification under section 215 of the Act.

(c) *Form and Contents.*

A complaint filed by the General Counsel shall be in writing, signed by the General Counsel, or his or her designee, and shall contain the following information:

(1) the name, mail and e-mail addresses, if available, and telephone number of the employing office, as applicable;

(A) each entity responsible for correction of an alleged violation of section 210(b) of the Act;

(B) each employing office alleged to have violated section 215 of the Act; or

(C) each employing office and/or labor organization alleged to have violated section 220, against which the complaint is brought;

(2) notice of the charge filed alleging a violation of section 210 or 220 of the Act and/or issuance of a citation or notification under section 215;

(3) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places, and the names and titles of the responsible individuals; and

(4) a statement of the relief or remedy sought.

(d) *Amendments.*—Amendments to the complaint may be permitted by the Office or, after assignment, by a Merits Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to address the new allegations; that the amendments, as appropriate, relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing, or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.*—Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent or its designated representative by hand delivery or first-class mail, e-mail, or facsimile with a copy of the complaint or amended complaint; written notice of the availability of these Rules at [www.ocwr.gov](http://www.ocwr.gov); and a service list containing the names and addresses of the parties and their designated representatives. A copy of these Rules may also be provided if requested by either party.

(f) *Answer.*

(1) Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the General Counsel.

(2) In answering a complaint, a respondent must state in short and plain terms its defenses to each alleged violation, and admit or deny the allegations asserted against it by an opposing party. If a respondent lacks knowledge or information sufficient to form

a belief about the truth of an allegation, the respondent must so state, and the statement has the effect of a denial.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the complaint shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motion to Dismiss.*—In addition to an answer, a respondent may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the complainant. Responses to any motions shall comply with section 1.04(c) of these Rules. If, on a motion to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleadings are presented to and not excluded by the Merits Hearing Officer, the motion must be treated as one for summary judgment, and all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

#### **§ 5.02 Appointment of the Merits Hearing Officer.**

Upon the filing of a complaint, the Executive Director will appoint an independent Merits Hearing Officer, who shall have the authority specified in sections 5.03 and 7.01(b) of these Rules.

#### **§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaints.**

(a) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss any complaint that the Merits Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(b) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these Rules.

(c) If the General Counsel fails to proceed with an action, the Merits Hearing Officer may dismiss the complaint with prejudice.

(d) *Summary Judgment.*—A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

(e) *Appeal.*—A final decision by the Merits Hearing Officer made under sections 5.03(a)–(d) or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. A final decision under sections 5.03(a)–(d) that does not resolve all of the issues in the case(s) before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(f) *Withdrawal of Complaint by the General Counsel.*—At any time prior to the opening of the hearing, the General Counsel may withdraw his or her complaint by filing a notice with the Office for transmittal to the Merits Hearing Officer and by serving a copy on the respondent. After the opening of the hearing, any such withdrawal must be approved by the Merits Hearing Officer and may be with or without prejudice to refile at the Merits Hearing Officer's discretion.

(g) *Withdrawal from a Case by a Representative.*—A representative must provide sufficient notice to the Merits Hearing Officer and the parties of record of his or her withdrawal from a case. Until the party des-

ignates another representative in writing, the party will be regarded as appearing pro se.

#### **§ 5.04 Confidentiality.**

Pursuant to section 416(b) of the Act, except as provided in subsections 416(c) and (f), all proceedings and deliberations of Merits Hearing Officers and the Board, including any related records, shall be confidential. Section 416(b) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Merits Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these Rules may result in the imposition of procedural or evidentiary sanctions. See also sections 1.08 and 7.12 of these Rules.

### **SUBPART F—[AMENDED]**

6. *Subpart F has been amended as follows:*

#### **Subpart F—Discovery and Subpoenas**

##### **§ 6.01 Discovery**

##### **§ 6.02 Requests for Subpoenas**

##### **§ 6.03 Service of Subpoena**

##### **§ 6.04 Proof of Service of Subpoena**

##### **§ 6.05 Motion to Quash or Limit Subpoena**

##### **§ 6.06 Enforcement of Subpoena**

##### **§ 6.07 Requirements for Sworn Statements in Support of Subpoena**

##### **§ 6.01 Discovery.**

(a) *Description.*—Discovery is the process by which a party may obtain from another person, including a party, information that is not privileged and that is relevant to any party's cause of action or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving legal issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within the scope of discovery need not be admissible in evidence in order to be discoverable. No discovery, whether oral or written, by any party shall be taken of or from an employee of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a Mediator, a Hearing Officer, or unpaid staff), including files, records, or notes produced during the confidential advising, mediation, and hearing phases of a case and maintained by the Office, the Confidential Advisor, the Mediator, or the Hearing Officer.

(b) *Initial Disclosure.*—Within 14 days after the initial conference in cases commenced by the filing of a claim pursuant to section 402(a) of the Act, and except as otherwise stipulated or ordered by the Merits Hearing Officer, a party must, without awaiting a discovery request, provide to the other parties: the name and, if known, mail and e-mail addresses, and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its causes of action or defenses; and a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

(c) *Discovery Availability.*—Pursuant to section 405(e) of the Act, reasonable prehearing discovery may be permitted at the Merits Hearing Officer's discretion.

(1) The parties may take discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property for inspection or

other purposes; physical and mental examinations; and requests for admissions. Nothing in section 415(d) of the Act—dealing with reimbursements by Members of Congress of amounts paid as settlements and awards—may be construed to require the claimant to be deposed by counsel for the intervening member in a deposition that is separate from any other deposition taken of the claimant in connection with the hearing.

(2) The Merits Hearing Officer may adopt standing orders or make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions, interrogatories, and requests for production of documents, and also may limit the length of depositions.

(3) The Merits Hearing Officer may issue any other order to prevent discovery or disclosure of confidential or privileged materials or information, as well as hearing preparation materials and any other information deemed not discoverable, or to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Claims of Privilege.*

(1) *Information Withheld.*—Whenever a party withholds information otherwise discoverable under these Rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim of privilege expressly in writing and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing whether the information itself is privileged or protected, will enable other parties to assess the applicability of the privilege or protection. A party must make a claim for privilege no later than the due date to produce the information.

(2) *Information Produced as Inadvertent Disclosure; Sealing All or Part of the Record.*—If information produced in discovery is subject to a claim of privilege or of protection as hearing preparation material, the party making the claim of privilege may notify any party that received the information of the claim of privilege and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim of privilege is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the Merits Hearing Officer or the Board under seal for a determination of the claim of privilege. The producing party must preserve the information until the claim of privilege is resolved.

#### **§ 6.02 Request for Subpoena.**

(a) *Authority to Issue Subpoenas.*—At the request of a party, the Merits Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States. However, no subpoena shall be issued for the attendance or testimony of an employee or agent of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a Mediator, a Hearing Officer, or unpaid staff), or for the production of files, records, or notes created by such employee of the Office during the confidential advising process, in mediation, or at the hearing. Employing offices shall endeavor to make their employees available for discovery and hearing without requiring a subpoena.

(b) *Request*.—A request to issue a subpoena requiring the attendance and testimony of witnesses or the production of documents or other evidence under paragraph (a) above shall be submitted to the Merits Hearing Officer at least 15 days before the scheduled hearing date. If the subpoena is sought as part of the discovery process, the request shall be submitted to the Merits Hearing Officer at least 10 days before the date that a witness must attend a deposition or the date for the production of documents. The Merits Hearing Officer may waive the time limits stated above for good cause.

(c) *Forms and Showing*.—Requests for subpoenas shall be submitted in writing to the Merits Hearing Officer and shall specify with particularity the witness, correspondence, books, papers, documents, or other records desired and shall be supported by a showing of general relevance and reasonable scope.

(d) *Rulings*.—The Merits Hearing Officer shall promptly rule on subpoena requests.

#### **§ 6.03 Service of Subpoena.**

Subpoenas shall be served in the manner provided under Rule 45(b) of the Federal Rules of Civil Procedure. Service of a subpoena may be made by any person who is over 18 years of age and is not a party to the proceeding.

#### **§ 6.04 Proof of Service of Subpoena.**

When service of a subpoena is effected, the person serving the subpoena shall certify the date and the manner of service. The party on whose behalf the subpoena was issued shall file the server's certification with the Merits Hearing Officer.

#### **§ 6.05 Motion to Quash or Limit Subpoena.**

Any person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope. This motion shall be filed with the Merits Hearing Officer before the time specified in the subpoena for compliance and not later than 10 days after service of the subpoena. The Merits Hearing Officer should promptly rule on a motion to quash or limit and ensure that the person receiving the subpoena is made aware of the ruling.

#### **§ 6.06 Enforcement of Subpoena.**

(a) *Objections and Requests for Enforcement*.—If a person has been served with a subpoena pursuant to section 6.03 of these Rules, but fails or refuses to comply with its terms or otherwise objects to it, the party or person objecting or the party seeking compliance may seek a ruling from the Merits Hearing Officer. The request for a ruling shall be submitted in writing to the Merits Hearing Officer. However, it may be made orally on the record at the hearing at the discretion of the Merits Hearing Officer. The party seeking compliance shall present the proof of service and, except when the witness was required to appear before the Merits Hearing Officer, shall submit evidence, by affidavit or declaration, of the failure or refusal to obey the subpoena.

(b) *Ruling by the Merits Hearing Officer*.

(1) The Merits Hearing Officer shall promptly rule on the request for enforcement and/or the objection(s).

(2) On request of the objecting witness or any party, the Merits Hearing Officer shall—on or on the Merits Hearing Officer's own initiative, the Merits Hearing Officer may—refer the ruling to the Board for review.

(c) *Review by the Board*.—The Board may overrule, modify, remand, or affirm the Merits Hearing Officer's ruling and, in its discretion, may direct the General Counsel to apply in the name of the Office for an order from a United States district court to enforce the subpoena.

(d) *Application to an Appropriate Court; Civil Contempt*.—If a person fails to comply with a subpoena, the Board may direct the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the Merits Hearing Officer to give testimony or produce records. Any failure to obey a lawful order of the district court may be held by such court to be a civil contempt thereof.

#### **§ 6.07 Requirements for Sworn Statements.**

Any time that the Merits Hearing Officer requires an affidavit or sworn statement from a party or a witness, he or she should refer the party or witness to a sample declaration under 28 U.S.C. § 1746, which substantially requires:

(a) If executed within the United States, its territories, possessions, or commonwealths: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)."

(b) If executed outside the United States: "I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)."

#### **SUBPART G—[AMENDED]**

7. Subpart G has been amended as follows:

#### **Subpart G—Hearings**

##### **§ 7.01 The Merits Hearing Officer**

##### **§ 7.02 Sanctions**

##### **§ 7.03 Disqualification or Withdrawal of a Merits Hearing Officer**

##### **§ 7.04 Motions, Initial Conference, and Prehearing Conference**

##### **§ 7.05 Scheduling the Hearing**

##### **§ 7.06 Consolidation and Joinder of Cases**

##### **§ 7.07 Conduct of Hearing; Disqualifying a Representative**

##### **§ 7.08 Transcript**

##### **§ 7.09 Admissibility of Evidence**

##### **§ 7.10 Stipulations**

##### **§ 7.11 Official Notice**

##### **§ 7.12 Confidentiality**

##### **§ 7.13 Immediate Board Review of a Merits Hearing Officer's Ruling**

##### **§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs**

##### **§ 7.15 Closing the Record**

##### **§ 7.16 Merits Hearing Officer Decisions; Entry in Office Records; Correcting the Record; Motions to Alter, Amend or Vacate the Decision.**

#### **§ 7.01 The Merits Hearing Officer.**

This subpart concerns the duties and responsibilities of Merits Hearing Officers, who are appointed by the Executive Director to preside over the administrative hearings under the Act. The duties and responsibilities of Preliminary Hearing Officers are contained in section 4.08 of these Rules.

(a) *Exercise of Authority*.—The Merits Hearing Officer may exercise authority as provided in paragraph (b) of this section upon his or her own initiative or upon a party's motion, as appropriate.

(b) *Authority*.—Merits Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in disposing of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

(1) administer oaths and affirmations;

(2) rule on motions to disqualify designated representatives;

(3) issue subpoenas in accordance with section 6.02 of these Rules;

(4) rule upon offers of proof and receive relevant evidence;

(5) rule upon discovery issues as appropriate under sections 6.01 to 6.06 of these Rules;

(6) hold initial and prehearing conferences for simplifying issues and exploring settlement;

(7) convene a hearing, regulate the course of the hearing, maintain decorum at the hearing, and exclude from the hearing any person who disrupts, or threatens to disrupt, that decorum;

(8) exclude from the hearing any person, except any claimant, any party, the attorney or representative of any claimant or party, or any witness while testifying;

(9) rule on all motions, witness and exhibit lists, and proposed findings, including motions for summary judgment;

(10) require the filing of briefs, memoranda of law, and the presentation of oral argument as to any question of fact or law;

(11) order the production of evidence and the appearance of witnesses;

(12) impose sanctions as provided under section 7.02 of these Rules;

(13) file decisions on the issues presented at the hearing;

(14) dismiss any claim, complaint, or portion thereof that is found to be frivolous or that fails to state a claim upon which relief may be granted;

(15) maintain and enforce the confidentiality of proceedings; and

(16) waive or modify any procedural requirements of subparts F and G of these Rules so long as permitted by the Act.

#### **§ 7.02 Sanctions.**

(a) When necessary to regulate the course of the proceedings (including the hearing), the Merits Hearing Officer may impose an appropriate sanction, which may include, but is not limited to, the sanctions specified in this section, on the parties and/or their representatives.

(b) The Merits Hearing Officer may impose sanctions upon the parties and/or their representatives based on, but not limited to, the circumstances set forth in this section.

(1) *Failure to Comply With an Order*.—When a party fails to comply with an order (including an order to submit to a deposition, to produce evidence within the party's possession, custody, or control, or to produce witnesses), the Merits Hearing Officer may:

(A) draw an inference in favor of the requesting party on the issue related to the information sought;

(B) stay further proceedings until the order is obeyed;

(C) prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

(D) permit the requesting party to introduce secondary evidence concerning the information sought;

(E) strike, in whole or in part, the claim, complaint, briefs, answer, or other submissions of the party failing to comply with the order, as appropriate; or

(F) direct judgment against the non-complying party in whole or in part.

(2) *Failure to Prosecute or Defend*.—If a party fails to prosecute or defend a position, the Merits Hearing Officer may dismiss the action in whole or in part, with or without prejudice, or decide the matter when appropriate.

(3) *Failure to Make Timely Filing*.—The Merits Hearing Officer may refuse to consider any request, motion, or other action that is not filed in a timely fashion in compliance with this subpart.

(4) *Frivolous Claims, Defenses, and Arguments*.—If a party or the party's designated representative files a claim that fails to meet the requirements of section 401(f) of the Act, the Merits Hearing Officer may dismiss the claim in whole or in part, with or without prejudice, or decide the matter for the

opposing party. If a party or the party's designated representative presents a pleading, discovery request or response, motion, or other paper containing claims, defenses, or other legal contentions, for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter, the Merits Hearing Officer may reject the pleading, discovery request or response, motion, or other paper, in whole or in part. A pleading, discovery request or response, motion, or other paper containing claims, defenses, or other legal contentions shall not be subject to sanctions if it is supported by or constitutes a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(5) *Failure to Maintain Confidentiality.*—An allegation regarding a violation of the confidentiality provisions contained in the Act, these Rules, or an order of a Merits Hearing Officer may be made to a Merits Hearing Officer in proceedings under section 405 of the Act. If, after notice and hearing, the Merits Hearing Officer determines that a party has violated confidentiality, the Merits Hearing Officer may:

(A) direct that the matters related to the breach of confidentiality or other designated facts be taken as established for purposes of the action, as the prevailing party contends;

(B) prohibit the party breaching confidentiality from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(C) strike the pleadings in whole or in part;

(D) stay further proceedings until the breach of confidentiality is resolved to the extent possible;

(E) dismiss the action or proceeding in whole or in part; or

(F) render a default judgment against the party breaching confidentiality.

(c) No sanctions may be imposed under this section except for good cause, the particulars of which must be stated in the sanction order.

#### **§ 7.03 Disqualification or Withdrawal of a Merits Hearing Officer.**

(a) In the event that a Merits Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(b) Any party may file a motion requesting that a Merits Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This motion shall specifically set forth the reasons supporting the request and be filed as soon as the party has reason to believe that there is a basis for disqualification.

(c) The Merits Hearing Officer shall promptly rule on the withdrawal motion. If the motion is granted, the Executive Director will appoint another Merits Hearing Officer within 5 days. Any objection to the Merits Hearing Officer's ruling on the withdrawal motion shall not be deemed waived by a party's further participation in the hearing and may be the basis for an appeal to the Board from the Merits Hearing Officer's decision under section 8.01 of these Rules. Such objection will not stay the conduct of the hearing.

#### **§ 7.04 Motions, Initial Conference, and Prehearing Conference.**

(a) *Motions.*—Unless otherwise provided in these Rules, motions shall be filed with the Merits Hearing Officer and shall be in writing except for oral motions made on the

record during the hearing. All written motions and any responses to them shall include a proposed order, when applicable. Only with the Merits Hearing Officer's advance approval may either party file additional responses to the motion or to the response to the motion. Motions for extension of time will be granted only for good cause shown.

(b) *Scheduling the Initial Conference.*—Within 7 days after a claim is assigned to a Merits Hearing Officer, the Merits Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the initial conference, except that the Executive Director may, for good cause, extend up to an additional 7 days the time for serving notice of the initial conference. As required by section 6.01(b) of these Rules, initial disclosures shall be due within 14 days of the initial conference.

(c) *Initial Conference Memoranda.*—The Merits Hearing Officer may order each party to prepare an initial conference memorandum. The memorandum may include:

(1) a proposed discovery plan, including the number of depositions, interrogatories, requests for production, requests for admissions, and other discovery devices that the party anticipates requesting;

(2) a proposed schedule for the filing of any dispositive motions;

(3) a proposed date for the prehearing conference; and

(4) a proposed schedule for the hearing.

(d) *The Prehearing Conference.*—Within 7 days after the initial conference, the Merits Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference, which shall not take place until the period provided for discovery, if any, has ended. The Merits Hearing Officer may order each party to prepare a prehearing conference memorandum after discovery has concluded. The memorandum may include:

(1) the major factual contentions and legal issues that the party intends to raise at the hearing in short, successive, and numbered paragraphs, along with any proposed stipulations of fact or law;

(2) an estimate of the time necessary for presenting the party's case;

(3) the specific relief, including, when known, a calculation of any monetary relief or damages that is being or will be requested;

(4) the names of potential witnesses for the party's case (except for potential impeachment or rebuttal witnesses) and the purpose for which they will be called, a list of documents that the party is seeking from the opposing party, and the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.); and

(5) a brief description of any other unresolved issues.

(d) At the prehearing conference, the Merits Hearing Officer may discuss the subjects specified in paragraph (d) above and the manner in which the hearing will be conducted. In addition, the Merits Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite resolving the dispute. The Merits Hearing Officer shall issue an order, which recites the actions taken at the conference and the parties' agreements as to any matters considered, and which limits the issues to those not disposed of by the parties' admissions, stipulations, or agreements. Such order, when entered, shall control the course of the hearing, subject to later modi-

fication by the Merits Hearing Officer by his or her own motion or upon proper request of a party for good cause shown.

#### **§ 7.05 Scheduling the Hearing.**

(a) *Date, Time, and Place of Hearing.*—The Office shall issue the notice of hearing, which shall fix the date, time, and place of hearing. Absent a postponement granted by the Office, a hearing on a claim pursuant to section 405 of the Act must commence no later than 90 days after the Executive Director receives the claimant's request for a hearing under section 405 of the Act.

(b) *Motions for Postponement of Commencement of a Hearing.*—Motions for postponement of the commencement of a hearing by either party shall be made in writing to the Office, shall set forth the reasons for the request, and shall state whether the opposing party consents to or opposes postponement. Upon mutual agreement of the parties or for good cause shown, the Office shall extend the time for commencing a hearing for not more than an additional 30 days.

(c) *Continuance of Hearing after Commencement.*—A party seeking a continuance of a hearing may do so by oral or written motion to the Merits Hearing Officer. Such motion shall include the reasons for the requested continuance and shall state whether any opposing party consents to or opposes the requested continuance. The Merits Hearing Officer may grant such a motion upon mutual agreement of the parties or for good cause shown.

#### **§ 7.06 Consolidation and Joinder of Cases.**

(a) *Explanation.*

(1) Consolidation is when two or more parties have cases that might be treated as one because they contain identical or similar issues or in such other appropriate circumstances.

(2) Joinder is when one party has two or more cases pending and they are united for consideration. For example, joinder might be warranted when a single party has one case pending challenging a 30-day suspension and another case pending challenging a subsequent dismissal.

(b) *Authority.*—The Executive Director (before assigning a Merits Hearing Officer to adjudicate a claim), a Merits Hearing Officer (prior to or during the hearing), or the Board (during an appeal) may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite case processing and not adversely affect the parties' interests, taking into account the confidentiality requirements of section 416 of the Act.

#### **§ 7.07 Conduct of Hearing; Disqualifying a Representative.**

(a) Pursuant to section 405(d)(1) of the Act, the Merits Hearing Officer shall conduct the hearing in closed session on the record. Only the Merits Hearing Officer, the parties and their representatives, and witnesses during the time they are testifying, shall be permitted to attend the hearing, except that the Office may not be precluded from observing the hearing. The Merits Hearing Officer, or a person designated by the Merits Hearing Officer or the Executive Director, shall record the proceedings electronically and/or stenographically.

(b) The hearing shall be conducted as an administrative proceeding. Witnesses shall testify under oath or affirmation. Except as specified in the Act and in these Rules, the Merits Hearing Officer shall conduct the hearing, to the greatest extent practicable, consistent with the principles and procedures in sections 554 through 557 of title 5 of the United States Code (the Administrative Procedure Act).

(c) No later than the commencement of the hearing, or as otherwise ordered by the Merits Hearing Officer, each party shall submit

to the Merits Hearing Officer and to each opposing party typed lists of the party's hearing exhibits and the witnesses the party expects to call to testify. A party may exclude from the lists any documents or witnesses intended solely for impeachment or rebuttal.

(d) At the commencement of the hearing, or as otherwise ordered by the Merits Hearing Officer, the Merits Hearing Officer may consider any stipulations of facts and law pursuant to section 7.10 of these Rules, take official notice of certain facts pursuant to section 7.11 of these Rules, rule on the parties' objections, and hear witness testimony. Each party must present his or her case in a concise manner, limiting the testimony of witnesses and submission of documents to relevant matters.

(e) Any evidentiary objection not timely made before a Merits Hearing Officer shall, absent clear error, be deemed waived on appeal to the Board.

(f) Failure of any party to appear at the hearing, to present witnesses or evidence, or to respond to an evidentiary order may result in an adverse finding or ruling by the Merits Hearing Officer. At the Merits Hearing Officer's discretion, the hearing also may be held without a party if the party's representative is present. Unless called to testify as a witness, an intervenor Member shall be permitted, but not required, to attend the hearing either in person or through the presence of a representative.

(g) If the Merits Hearing Officer concludes that the representative of a claimant, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, the Merits Hearing Officer may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

#### **§ 7.08 Transcript.**

(a) *Preparation.*—The Office shall keep an accurate electronic or stenographic hearing record, which shall be the sole official record of the proceeding. The Office shall be responsible for the cost of transcribing the hearing. Upon request, a copy of the hearing transcript shall be furnished to each party, provided, however, that such party has first agreed to maintain and respect the confidentiality of such transcript in accordance with the applicable rules prescribed by the Office or the Merits Hearing Officer to effectuate section 416(b) of the Act. Additional copies of transcripts shall be made available to a party at the party's expense. The Office may grant exceptions to the payment requirement for good cause shown. A motion for an exception shall be made in writing, accompanied by an affidavit or a declaration setting forth the reasons for the request, and submitted to the Office. Requests for copies of transcripts also shall be directed to the Office. The Office may, by agreement with the person making the request, arrange with the official hearing reporter for required services to be charged to the requester.

(b) *Corrections.*—Corrections to the official transcript of the hearing will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the parties. Corrections to the official transcript will be permitted only upon the approval of the Merits Hearing Officer. The Merits Hearing Officer may make corrections at any time with notice to the parties.

#### **§ 7.09 Admissibility of Evidence.**

The Merits Hearing Officer shall apply the Federal Rules of Evidence to the greatest extent practicable. The Merits Hearing Officer

may exclude evidence if, among other things, it constitutes inadmissible hearsay or its probative value is substantially outweighed by the danger of unfair prejudice, by confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

#### **§ 7.10 Stipulations.**

The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

#### **§ 7.11 Official Notice.**

(a) The Merits Hearing Officer on his or her own motion or on motion of a party, may take official notice of a fact that is not subject to reasonable dispute because it is either:

(1) a matter of common knowledge; or  
(2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

(b) When a decision, or part thereof, rests on the official notice of a material fact not appearing in the evidence in the record, the fact of official notice shall be so stated in the decision, and any party, upon timely request, shall be afforded an opportunity to show the contrary.

#### **§ 7.12 Confidentiality.**

(a) Pursuant to section 416 of the Act and section 1.08 of these Rules, all proceedings and deliberations of Merits Hearing Officers and the Board, including the hearing transcripts and any related records, shall be confidential, except as specified in sections 416(c), (d), (e), and (f) of the Act and section 1.08(d) of these Rules. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the Merits Hearing Officers' and the Board's deliberations under that section.

(b) *Violation of Confidentiality.*—A Merits Hearing Officer, under section 405 of the Act, may resolve an alleged violation of confidentiality that occurred during a hearing. After providing notice and an opportunity to the parties to be heard, the Merits Hearing Officer, under section 1.08(f) of these Rules, may find a violation of confidentiality and impose appropriate procedural or evidentiary sanctions, to include the sanctions listed in section 7.02 of these Rules.

#### **§ 7.13 Immediate Board Review of a Hearing Officer's Ruling.**

(a) *Review Strongly Disfavored.*—Board review of a Merits Hearing Officer's ruling while a proceeding is ongoing (an interlocutory appeal) is strongly disfavored. In general, the Board may consider a request for interlocutory appeal only if the Merits Hearing Officer, on his or her own motion or on motion of a party, certifies and forwards a request for interlocutory appeal to the Board.

(b) *Time for Filing.*—A party must file a motion for interlocutory appeal of a Merits Hearing Officer's ruling with the Merits Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory appeal and the requested determination to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

(c) *Standards for Review.*—In determining whether to certify and forward a request for interlocutory appeal to the Board, the Merits Hearing Officer shall consider the following:

(1) whether the ruling involves a significant question of law or policy about which there is substantial ground for difference of opinion;

(2) whether an immediate Board review of the Merits Hearing Officer's ruling will materially advance completing the proceeding; and

(3) whether denial of immediate review will cause undue harm to a party or the public.

(d) *Merits Hearing Officer Action.*—If all the conditions set forth in paragraph (c) are met, the Merits Hearing Officer shall certify and forward a request for interlocutory appeal to the Board for its immediate consideration. Any such submission shall explain the basis on which the Merits Hearing Officer concluded that the standards in paragraph (c) have been met. The Merits Hearing Officer's decision to forward or decline to forward a request for review is not appealable.

(e) *Granting or Denying an Interlocutory Appeal Is Within the Board's Sole Discretion.*—The Board, in its sole discretion, may grant or deny an interlocutory appeal, upon the Merits Hearing Officer's certification and decision to forward a request for review. The Board's decision to grant or deny an interlocutory appeal is not appealable.

(f) *Stay Pending Interlocutory Appeal.*—Unless otherwise directed by the Board, the stay of any proceedings during the pendency of either a request for interlocutory appeal or the appeal itself shall be within the Merits Hearing Officer's discretion, provided that no stay shall serve to toll the time limits set forth in section 405(d) of the Act. If the Merits Hearing Officer does not stay the proceedings, the Board may do so while an interlocutory appeal is pending before it.

(g) *Procedures Before the Board.*—Upon its decision to grant interlocutory appeal, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

(h) *Appeal of a Final Decision.*—Denial of interlocutory appeal will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board under section 8.01 of these Rules from the Merits Hearing Officer's decision issued under section 7.16 of these Rules.

#### **§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs.**

The Merits Hearing Officer may require the parties to file proposed findings of fact and conclusions of law and/or posthearing briefs on the factual and the legal issues presented in the case.

#### **§ 7.15 Closing the Record.**

(a) Except as provided in section 7.14 of these Rules, the record shall close when the hearing ends. However, the Merits Hearing Officer may hold the record open as necessary to allow the parties to submit arguments, briefs, documents, or additional evidence previously identified for introduction.

(b) Once the record is closed, no additional evidence or argument shall be accepted into the hearing record except upon a showing that new and material evidence has become available that was not available despite due diligence before the record closed, or that the additional evidence or argument is being provided in rebuttal to new evidence or argument that another party submitted just before the record closed. The Merits Hearing Officer also shall make part of the record an approved correction to the transcript.

#### **§ 7.16 Merits Hearing Officer Decisions; Entry in Office Records; Corrections to the Record; Motions to Alter, Amend, or Vacate the Decision.**

(a) The Merits Hearing Officer shall issue a written decision no later than 90 days after the hearing ends, pursuant to section 405(g) of the Act.



(b) The Merits Hearing Officer's written decision shall:

- (1) state the issues raised in the claim form or complaint;
- (2) describe the evidence in the record;
- (3) contain findings of fact and conclusions of law, and the reasons or bases therefore, on all the material issues of fact, law, or discretion presented on the record;
- (4) determine whether a violation has occurred; and
- (5) order such remedies as are appropriate under the Act.

(c) If the Merits Hearing Officer's written decision concerns a claim alleging a violation or violations described in section 415(d)(1)(C) of the Act, the written decision shall include the following findings:

- (1) whether the alleged violation or violations occurred;
- (2) whether any violation or violations found to have occurred were committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator;
- (3) the amount of compensatory damages, if any, awarded pursuant to section 415(d)(1)(B) of the Act; and
- (4) the amount, if any, of compensatory damages that is the "reimbursable portion" as defined by section 415(d) of the Act.

(d) Upon issuance, the Merits Hearing Officer's written decision shall be entered into the Office's records.

(e) The Office shall promptly provide a copy of the Merits Hearing Officer's written decision to the parties. In the case of a decision that finds that an amount of damages is reimbursable, as described in subparagraph (c)(4) of this section, the Office shall promptly provide a copy of the Merits Hearing Officer's written decision to the Member responsible for that reimbursement, regardless of whether the Member has intervened in the action.

(f) If there is no appeal of a Merits Hearing Officer's decision, that decision becomes a final decision of the Office, which is subject to enforcement under section 8.03 of these Rules.

(g) *Corrections to the Record.*—After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, the Merits Hearing Officer may issue an erratum notice to correct simple errors or easily correctible mistakes. The Merits Hearing Officer may do so on a party's motion or on his or her own motion with or without advance notice.

(h) After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, a party to the proceeding before the Merits Hearing Officer may move to alter, amend, or vacate the decision. The moving party must establish that relief from the decision is warranted because: (1) of mistake, inadvertence, surprise, or excusable neglect; (2) there is newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new hearing; (3) there has been fraud (misrepresentation or misconduct) by an opposing party; (4) the decision is void; (5) the decision has been satisfied, released, or discharged; (6) the decision is based on an earlier decision that has been reversed or vacated or on a provision of law that has been amended, repealed, or ruled unconstitutional; or (7) applying the decision prospectively is no longer equitable. The motion shall be filed within 15 days after service of the Merits Hearing Officer's decision. No response shall be filed unless the Merits Hearing Officer so orders. The filing and

pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the Merits Hearing Officer's action unless the Merits Hearing Officer so orders.

#### SUBPART H—[AMENDED]

8. *Subpart H has been amended as follows:*

#### Subpart H—Proceedings before the Board

##### § 8.01 Appeal to the Board

##### § 8.02 Reconsideration

##### § 8.03 Compliance with Final Decisions, Requests for Enforcement

##### § 8.04 Judicial Review

##### § 8.05 Application for Review of an Executive Director Action

##### § 8.06 Exceptions to Arbitration Awards

##### § 8.07 Expedited Review of Negotiability

##### § 8.08 Procedures of the Board in Impasse Proceedings

##### § 8.01 Appeal to the Board.

(a) *Petition for Review.*—No later than 30 days after the entry of the decision of the Merits Hearing Officer in the records of the Office pursuant to section 7.16(d) of these Rules, an aggrieved party may seek review of that decision and order by the Board by filing with the Office a petition for review by the Board. The appeal must be served on all opposing parties or their representatives.

(b) *No Appeal of Report on Preliminary Review.*—A Report on Preliminary Review issued pursuant to section 403(c) of the Act is not appealable to the Board.

(c) *Briefs on Appeal.*

(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review by the Board, the appellant shall file and serve a supporting brief in accordance with section 1.04 of these Rules. That brief shall identify with particularity those findings or conclusions in the Merits Hearing Officer's decision that are being challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, any opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the responsive brief(s), the appellant may file and serve a reply brief.

(3) In any case in which the Board has not rendered a determination on the merits, the Executive Director is authorized to: determine any request for extensions of time to file any post-petition for review document or submission with the Board; determine any request for enlargement of page limitation of any post-petition for review document or submission with the Board; or require proof of service where there are questions of proper service.

(d) *Oral Argument.*—Upon the request of any party or upon its own order, the Board, in its discretion, may hold oral argument on an appeal.

(e) *Decision of the Board.*—Upon appeal, the Board shall issue a written decision setting forth the reasons for its decision. The Board may dismiss the appeal or affirm, reverse, modify, or remand the decision of the Merits Hearing Officer in whole or in part. Where there is no remand, the decision of the Board shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review.

(f) *Remand.*—The Board may remand the matter to a Merits Hearing Officer for further action or proceedings, including the reopening of the record for the taking of additional evidence. The decision by the Board to remand a case is not subject to judicial review under section 407 of the Act. The procedures for a remanded hearing shall be gov-

erned by subparts F, G, and H of these Rules. The Merits Hearing Officer shall render a decision or report to the Board, as ordered, at the conclusion of proceedings on the remanded matters. A decision of the Board following completion of the remand shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review under section 407 of the Act.

(g) *Standard of Review.*—Pursuant to section 406(c) of the Act, in conducting its review of the decision of a Merits Hearing Officer, the Board shall set aside a decision if it determines that the decision was:

- (1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;
- (2) not made consistent with required procedures; or
- (3) unsupported by substantial evidence.

(h) *Review of Record.*—In making determinations under paragraph (g), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(i) *Record.*—The docket sheet, claim form or complaint and any amendments, preliminary review report, request for hearing, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, any portions of depositions admitted into evidence, docketed Memoranda for the Record, or correspondence between the Office and the parties, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically), together with the Merits Hearing Officer's decision and the petition for review, any response thereto, any reply to the response, and any other pleadings, shall constitute the record in the case.

(j) *Amicus Participation.*—The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the Act.

(k) *Withdrawal of Petition for Review.*—An appellant may move to withdraw a petition for review at any time before the Board renders a decision. The motion must be in writing and submitted to the Board. The Board, at its discretion, may grant or deny such a motion and take whatever action is required.

##### § 8.02 Reconsideration.

After a final decision or order of the Board has been issued, a party to the proceeding before the Board who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Board unless so ordered by the Board. The decision to grant or deny a motion for reconsideration is within the sole discretion of the Board and is not appealable.

##### § 8.03 Compliance with Final Decisions, Requests for Enforcement.

(a) *Compliance Report and Petitions.*—Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6) of the Act, a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the

manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved. A party may also file a petition for attorney's fees and/or damages unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of the appeal pursuant to section 407 of the Act.

(b) *Additional Reports.*—The Office may require additional reports as necessary.

(c) *Failure to File Compliance Report.*—If the Office does not receive notice of compliance in accordance with paragraph (a) of this section, the Office shall make inquiries to determine the status of compliance. If the Office cannot determine that full compliance is forthcoming, the Office shall report the failure to comply to the Board and recommend whether court enforcement of the decision should be sought.

(d) *Petition for Enforcement.*—To the extent provided in section 407(a) of the Act and section 8.04 of these Rules, the appropriate party may petition the Board for enforcement of a final decision of the Office or the Board. The petition shall specifically set forth the reasons why the petitioner believes enforcement is necessary.

(e) *Notice to Show Cause.*—Upon receipt of a report of noncompliance or a petition for enforcement of a final decision, or as it otherwise determines, the Board may issue a notice to any person or party to show cause why the Board should not seek judicial enforcement of its decision or order.

(f) *Petition to Court.*—The Board, in its discretion, may direct the General Counsel to petition the court for enforcement under section 407(a)(2) of the Act of a decision under section 406(e) of the Act whenever the Board finds that a party has failed to comply with its decision and order.

#### **§ 8.04 Judicial Review.**

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) of the Act in cases arising under sections 102(c) or 201-207 of the Act;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4) of the Act;

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5) of the Act; or

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) of the Act with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

#### **§ 8.05 Application for Review of an Executive Director's Action.**

For additional rules on the procedures pertaining to the Board's review of an Executive Director action in Representation proceedings, refer to parts 2422.30-31 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

#### **§ 8.06 Expedited Review of Negotiability Issues.**

For additional rules on the procedures pertaining to the Board's expedited review of negotiability issues, refer to part 2424 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

#### **§ 8.07 Review of Arbitration Awards.**

For additional rules on the procedures pertaining to the Board's review of arbitration awards, refer to part 2425 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

#### **§ 8.08 Procedures of the Board in Impasse Proceedings.**

For additional rules on the procedures of the Board in impasse proceedings, refer to part 2471 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

#### **SUBPART I—[AMENDED]**

#### **9. Subpart I has been amended as follows: Subpart I—Other Matters of General Applicability**

##### **§ 9.01 Attorney's Fees and Costs**

##### **§ 9.02 Ex Parte Communications**

##### **§ 9.03 Settlement of Claims and Complaints**

##### **§ 9.04 Payments Required Pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act**

##### **§ 9.05 Revocation, Amendment or Waiver of Rules**

##### **§ 9.06 Notices**

##### **§ 9.07 Training and Education Programs**

##### **§ 9.01 Attorney's Fees and Costs.**

(a) *Request.*—No later than 30 days after the entry of a final decision of the Office, the prevailing party may submit to the Merits Hearing Officer who decided the case a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. The Merits Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Office.

(b) *Form of Motion.*—In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a motion for an award of attorney's fees and/or costs shall be accompanied by:

(1) accurate and contemporaneous time records;

(2) a copy of the terms of the fee agreement (if any);

(3) the attorney's customary billing rate for similar work with evidence that the rate is consistent with the prevailing community rate for similar services in the community in which the attorney ordinarily practices;

(4) an itemization of costs related to the matter in question; and

(5) evidence of an established attorney-client relationship (if a copy of the fee agreement is not available).

(c) *Arbitration Awards.*—In arbitration proceedings, the prevailing party must submit any request for attorney's fees and costs to the arbitrator in accordance with the established arbitration procedures.

##### **§ 9.02 Ex Parte Communications.**

(a) *Definitions.*

(1) The term "interested person outside the Office" means any covered employee and agent thereof who is not an employee or agent of the Office, any labor organization and agent thereof, any employing office and agent thereof, and any individual or organization and agent thereof, who is or may reasonably be expected to be involved in a proceeding or a rulemaking, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of

the Act. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these Rules.

(2) The term "ex parte communication" means an oral or written communication—

(A) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking;

(B) that is related to a proceeding or a rulemaking;

(C) that is not made on the public record;

(D) that is not made in the presence of all parties to a proceeding or a rulemaking; and

(E) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of this section, the term "proceeding" means a hearing proceeding under section 405 of the Act, an appeal to the Board under section 406 of the Act, a pre-election investigatory hearing under section 220 of the Act, and any other proceeding of the Office established pursuant to regulations issued by the Board under the Act.

(4) The term "period of rulemaking" means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.*—The Rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking in accordance with the procedures set forth in the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(A) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 1.04 of these Rules; or

(B) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) The Hearing Officer or the Office may initiate attempts to settle a matter informally at any time. The parties may agree to waive the prohibitions against ex parte communications during settlement discussions, and they may agree to any limits on the waiver.

(3) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(4) Notwithstanding the prohibitions set forth in subparagraphs (1) and (2) above, the following ex parte communications are not prohibited:

(A) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(B) those which all parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(C) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(D) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the Act; and

(E) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(5) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this Rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall (i) notify the parties to the proceeding that such a communication has been received; and (ii) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subparagraphs (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board uses to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) When a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than 7 days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, when applicable, dismissal of his or her claim or interest, the striking of his or her answer, or the imposition of some other appropriate sanction, including but not limited to the award of attorney's fees and costs incurred in responding to a prohibited ex parte communication. Sanctions shall be commensurate with the seriousness and unreasonableness of the offense, accounting for, among other things, the advertency or inadvertency of the prohibited communication.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be

involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board uses to address and resolve ethical issues.

#### **§ 9.03 Settlement of Claims and Complaints.**

(a) *Settlement Agreements.*—Parties to a process described in section 210, 215, 220, or 401 of the CAA may agree to settle all or part of a disputed matter. In accordance with section 414 of the Act, the agreement shall be in writing and submitted to the Executive Director for review and approval. The settlement is not effective until it has been approved by the Executive Director. If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds for disapproval, and shall render the settlement ineffective.

(b) *Obligations Payable from Account Established by Section 415(a) of the Act.*—Any agreement between the parties that purports to create an obligation that is payable from the account established by section 415(a) of the Act ("Section 415(a) Treasury Account") must be in writing and approved by the Executive Director.

(c) *General Requirements for Approval of Settlement Agreements.*—Except as provided in paragraph (d), a settlement agreement must contain the signatures of all parties or their designated representatives on the agreement document. A settlement agreement cannot be approved by the Executive Director until the appropriate revocation periods have expired and the employing office has fully completed and submitted the Office's Section 415(a) Account Requisition Form. A settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law. All settlement agreements must also:

(1) specify the amount of each payment to be made from the Section 415(a) Treasury Account;

(2) identify the portion of any payment that is subject to the reimbursement provisions of section 415(e) of the Act because it is being used to settle an alleged violation of section 201(a) or 206(a) of the Act;

(3) identify each payment that is back pay and indicate the net amount that will be paid to the employee after tax withholding and authorized deductions; and

(4) certify that, except for funds to correct alleged violations of sections 201(a)(3), 210, or 215 of the Act, only funds from the Section 415(a) Treasury Account will be used for the payment of any amount specified in the settlement agreement.

(d) *Requirements for Approval of Settlement Agreements Involving Claims Against Members of Congress.*—If a settlement agreement concerns allegations against a Member of Congress subject to the payment reimbursement provisions of section 415(d) of the Act or any applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the settlement agreement must comply with sections 9.03(c)(1), (3) and (4) of these Rules, and:

(1) specify the amount, if any, that is the "reimbursable portion" as defined by section 415(d) of the Act because it is being used to settle an allegation that a Member personally committed a violation of section 201(a), 206(a), or 207 of the Act; and

(2) contain the signature of any individual (or the representative of any individual) who has exercised his or her right to intervene pursuant to section 415(d)(8) of the Act or an applicable provision of these Rules.

(e) *Violation of a Settlement Agreement.*—Parties are encouraged to include in their settlements specific dispute resolution proceedings. If a party should allege that a settlement agreement has been violated, the issue shall be determined by reference to those procedures. If the settlement agreement does not have a stipulated method for dispute resolution of an alleged violation, the Office may provide assistance in resolving the dispute, including the services of a Mediator as determined by the Executive Director. When the settlement agreement does not have a stipulated method for resolving violation allegations, an allegation of a violation must be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such allegations will be reviewed, investigated or mediated, as appropriate, by the Executive Director or designee.

#### **§ 9.04 Payments Required Pursuant to Decisions, Awards, or Settlements under Section 415(a) of the Act.**

(a) *In General.*—Whenever an award or settlement requires the payment of funds pursuant to section 415(a) of the Act, the award or settlement must be submitted to the Executive Director together with a fully completed Section 415(a) Account Requisition Form for processing by the Office.

(b) *Requesting Payments.*

(1) Only an employing office under section 101 of the Act, or its designated payroll administrator, or disbursing office, as applicable, may submit a payment request from the Section 415(a) Treasury Account.

(2) Employing offices, payroll administrators, or disbursing offices must submit requests for payments from the Section 415(a) Treasury Account on the Office's Section 415(a) Account Requisition Forms.

(c) *Duty to Cooperate.*—Each employing office, payroll administrator, or disbursing office has a duty to cooperate with the Executive Director or his or her designee by promptly responding to any requests for information and to otherwise assist the Executive Director in providing prompt payments from the Section 415(a) Treasury Account. Failure to cooperate may be grounds for disapproval of the settlement agreement.

(d) *Back Pay.*—When the award or settlement specifies a payment as back pay, the employing office, payroll administrator, or disbursing office, as applicable, may request that the payment be disbursed from the Section 415(a) Treasury Account pursuant to one of the following methods:

(1) The gross amount of the back pay will be disbursed to the employing office, payroll administrator, or disbursing office, as applicable, which will then promptly issue amounts representing back pay (and interest if authorized) to the employee and retain amounts representing withholding and deductions;

(2) Deductions from gross back pay will be disbursed to the employing office, payroll administrator, or disbursing office, as applicable. Net back pay (and interest if authorized), will be disbursed to the employee or to the employee's attorney, as directed by the submitting employing office, payroll administrator, or disbursing office; or

(3) The payment will be disbursed pursuant to a method mutually agreed upon by the OCWR and the employing office, payroll administrator, or disbursing office, as applicable.

(e) *Attorney's Fees.*—When the award or settlement specifies a payment as attorney's fees, the attorney's fees are paid directly to the attorney from the Section 415(a) Treasury Account.

(f) *Tax Reporting and Withholding Obligations.*—The Office does not report Section

415(a) Treasury Account payments as potential taxable income to the Internal Revenue Service (IRS) and is not responsible for tax withholding or reporting. To the extent that W-2 or 1099 forms need to be issued, it is the responsibility of the employing office, payroll administrator, or disbursing office submitting the payment request to do so. The employing office or its designated payroll administrator, or disbursing office, as applicable, should also consult IRS regulations for guidance in reporting the amount of any back pay award as wages on a W-2 Form.

(g) *Method of Payment.*—Section 415(a) Treasury Account payments are made by electronic funds transfer. The Office will issue an electronic payment to the payee's account as specified on the appropriate Section 415(a) Treasury Account form.

(h) *Reimbursement of the Section 415(a) Treasury Account.*

(1) *Members of Congress.*—Section 415(d) of the Act requires Members of the House of Representatives and the Senate to reimburse the compensatory damages portion of a decision, award or settlement for certain violations of section 201(a), 206(a), or 207 that the Member is found to have committed personally. Reimbursement shall be in accordance with the timetable and procedures established by the applicable congressional committee for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

(2) *Other Employing Offices.*—Section 415(e) of the Act requires employing offices (other than an employing office of the House or Senate) to reimburse awards and settlements paid from the Section 415(a) Treasury Account in connection with claims alleging violations of section 201(a) or 206(a) of the Act.

(A) As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this Act has been made from the Section 415(a) Treasury Account in connection with a claim alleging a violation of section 201(a) or 206(a) of the Act by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director will notify the head of the employing office and the employing office's designated representative that the payment has been made. The notice will include a statement of the payment amount.

(B) Reimbursement must be made within 180 days after receipt of notice from the Executive Director, and is to be transferred to the Section 415(a) Treasury Account out of funds available for the employing office's operating expenses.

(C) The Office will notify employing offices of any outstanding receivables on a quarterly basis. Employing offices have 30 days from the date of the notification of an outstanding receivable to respond to the Office regarding the accuracy of the amounts in the notice.

(D) Receivables outstanding for more than 30 days from the date of the notification will be noted as such on the Office's public website and in the Office's annual report to Congress on awards and settlements requiring payments from the Section 415(a) Treasury Account.

(3) [reserved]

#### **§9.05 Revocation, Amendment, or Waiver of Rules.**

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these Rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the Rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule in an individual case for good cause shown if application of the rule is not required by law.

#### **§9.06 Notices.**

(a) All employing offices are required to post and keep posted the notice provided by the Office that:

(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this Act, concerning violations described in 2 U.S.C. §1362(b); and

(2) includes contact information for the Office.

(b) The notice must be displayed in all premises of the covered employer in conspicuous places where notices to employees are customarily posted.

#### **§9.07 Training and Education Programs.**

(a) Not later than June 19, 2019 (i.e., 180 days after the date of the enactment of the Reform Act), and not later than 45 days after the beginning of each Congress (beginning with the 117th Congress), each employing office shall submit a report both to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the training and education program required under section 438(a) of the Act.

(b) *Exception for Offices of Congress.*—This section does not apply to any employing office of the House of Representatives or any employing office of the Senate.

### **EXECUTIVE COMMUNICATIONS, ETC.**

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

1346. A letter from the Adjutant General, Veterans of Foreign Wars of the United States, transmitting the proceedings of the 119th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, July 21-25, 2018, pursuant to 44 U.S.C. 1332; Public Law 90-620 (as amended by Public Law 105-225, Sec. 3); (112 Stat. 1498) (H. Doc. No. 116-42); to the Committee on Veterans' Affairs and ordered to be printed.

1347. A letter from the Executive Director, Office of Congressional Workplace Rights, transmitting notice of adopted amendments to the Rules of Procedure, pursuant to 2 U.S.C. 1383(b); Public Law 104-1, Sec. 303(b); (109 Stat. 28); jointly to the Committees on House Administration and Education and Labor.

### **REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Washington: Committee on Armed Services. H.R. 2500. A bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes; with amendments (Rept. 116-120). Referred to the Committee of the Whole House on the state of the Union.

Ms. JOHNSON of Texas: Committee on Science, Space, and Technology. H.R. 2397. A bill to amend the National Institute of Standards and Technology Act to make

changes to the implementation of the network for manufacturing innovation, and for other purposes; with an amendment (Rept. 116-121). Referred to the Committee of the Whole House on the state of the Union.

Mr. QUIGLEY: Committee on Appropriations. H.R. 3351. A bill Making appropriations for financial services and general government for the fiscal year ending September 30, 2020, and for other purposes (Rept. 116-122). Referred to the Committee of the Whole House on the state of the Union.

### **PUBLIC BILLS AND RESOLUTIONS**

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself and Mr. SCHWEIKERT):

H.R. 3332. A bill to amend title XVIII of the Social Security Act to provide coverage for wigs as durable medical equipment under the Medicare program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COLLINS of Georgia:

H.R. 3333. A bill to amend title 39, United States Code, to require the United States Postal Service to receive approval from local governments before relocating any post office, and for other purposes; to the Committee on Oversight and Reform.

By Ms. KUSTER of New Hampshire (for herself, Mr. BURCHETT, Ms. SCHRIER, Mr. UPTON, and Mr. ROUDA):

H.R. 3334. A bill to expand access to graduate education by amending the Federal Pell Grant program to include postbaccalaureate study; to the Committee on Education and Labor.

By Mr. NEAL (for himself and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 3335. A bill to provide a set-aside of funds for the territories under the health profession opportunity grant program under section 2008 of the Social Security Act, to make the Commonwealth of the Northern Mariana Islands eligible for the grants, and for other purposes; to the Committee on Ways and Means.

By Mr. DANNY K. DAVIS of Illinois:

H.R. 3336. A bill to provide grants for the conduct of demonstration projects designed to provide education and training for eligible individuals with an arrest or conviction record to enter and follow a career pathway in the health professions through occupations that pay well and are expected to experience a labor shortage or be in high demand, under the health profession opportunity grant program under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 3337. A bill to require applications for a health profession opportunity grant under section 2008 of the Social Security Act to contain evidence of in-demand jobs or worker shortages; to the Committee on Ways and Means.

By Ms. JUDY CHU of California:

H.R. 3338. A bill to remove barriers to health professions by providing resources to access foundational educational training, such as English as a foreign language and adult basic education, and to require the provision of child care, in demonstration projects funded under the health profession

opportunity grant program under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 3339. A bill to provide for the use of peer support, peer mentoring, and career coaching in demonstration projects conducted under the health profession opportunity grant program under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mr. GOMEZ:

H.R. 3340. A bill to provide a set-aside of funds for Indian populations under the health profession opportunity grant program under section 2008 of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. HIGGINS of New York:

H.R. 3341. A bill to make opioid treatment programs eligible for grants under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mr. HORSFORD:

H.R. 3342. A bill to make hospitals eligible for health professions opportunity grants under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mr. KILDEE:

H.R. 3343. A bill to provide for technical assistance under the health profession opportunity grant program under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Ms. MOORE:

H.R. 3344. A bill to provide grants for the conduct of demonstration projects designed to provide education and training for eligible individuals to enter and follow a career pathway in the field of pregnancy or childbirth, under the health profession opportunity grant program under section 2008 of the Social Security Act; to the Committee on Ways and Means.

By Mrs. MURPHY:

H.R. 3345. A bill to require preference to be given to applicants for health profession opportunity grants under section 2008 of the Social Security Act who have certain kinds of business and community partners; to the Committee on Ways and Means.

By Mr. PASCRELL:

H.R. 3346. A bill to guarantee that grants are made under the health profession opportunity grant program under section 2008 of the Social Security Act to grantees in each State that is not a territory, and for other purposes; to the Committee on Ways and Means.

By Ms. SEWELL of Alabama:

H.R. 3347. A bill to require geographical diversity in the provision of health profession opportunity grants under section 2008 of the Social Security Act, and to require the support services provided through the use of the grants to include a transportation assistance plan; to the Committee on Ways and Means.

By Mr. LOUDERMILK (for himself, Mr. MITCHELL, Mr. HICE of Georgia, Mr. HIGGINS of Louisiana, Mr. NORMAN, Mr. ALLEN, Mr. BABIN, Mr. WALKER, Mr. GREEN of Tennessee, Mr. JOYCE of Pennsylvania, Mr. CHABOT, Mr. BANKS, Mr. GROTHMAN, Mr. MCCLINTOCK, Mr. HILL of Arkansas, Mr. GIANFORTE, and Mr. FLORES):

H.R. 3348. A bill to amend title 5, United States Code, to provide for an alternative removal for performance or misconduct for Federal employees; to the Committee on Oversight and Reform.

By Mr. DOGGETT:

H.R. 3349. A bill to authorize the Daughters of the Republic of Texas to establish the Republic of Texas Legation Memorial as a commemorative work in the District of Columbia, and for other purposes; to the Committee on Natural Resources.

By Mrs. HARTZLER (for herself, Mr. CUNNINGHAM, Mr. BISHOP of Georgia, Ms. DELAURO, Mr. MEADOWS, Mr. TURNER, Mr. BACON, Ms. GABBARD, Mr. KILMER, Mr. BYRNE, Mr. COLE, Mr. MAST, Mr. STEUBE, Mrs. RODGERS of Washington, Mr. HARDER of California, Ms. WILD, Mr. VAN DREW, Mr. TIPTON, Ms. SPANBERGER, and Ms. NORTON):

H.R. 3350. A bill to amend title 38, United States Code, to reimburse veterans for the cost of emergency medical transportation to a Federal facility, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ENGEL (for himself and Mr. MCCAUL):

H.R. 3352. A bill to provide for certain authorities of the Department of State, and for other purposes; to the Committee on Foreign Affairs.

By Ms. FUDGE:

H.R. 3353. A bill to amend the Higher Education Act of 1965 to include Parent PLUS loans in income-contingent and income-based repayment plans, and for other purposes; to the Committee on Education and Labor.

By Ms. FUDGE (for herself and Mr. CURTIS):

H.R. 3354. A bill to amend the Higher Education Act of 1965 to provide for comprehensive student achievement information; to the Committee on Education and Labor.

By Mr. GARCÍA of Illinois (for himself, Mr. KHANNA, Ms. TLAIB, Ms. SCHAKOWSKY, Ms. OCASIO-CORTEZ, Mr. POCAN, Mr. COHEN, Ms. JAYAPAL, Mr. CARSON of Indiana, Mr. DESAULNIER, Ms. PRESSLEY, Ms. OMAR, Ms. NORTON, and Ms. KAPTUR):

H.R. 3355. A bill to prohibit public companies from repurchasing their shares on the open market, and for other purposes; to the Committee on Financial Services.

By Mr. GOSAR (for himself, Mrs. KIRKPATRICK, Mr. ROUZER, Mr. HARRIS, Mr. PENCE, Mrs. RODGERS of Washington, Mr. STEUBE, Mr. MEADOWS, Mr. LAMALFA, and Mr. WALTZ):

H.R. 3356. A bill to provide PreCheck to certain severely injured or disabled veterans, and for other purposes; to the Committee on Homeland Security, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HICE of Georgia (for himself and Mr. LOUDERMILK):

H.R. 3357. A bill to reauthorize and modify the authority of the Merit Systems Protection Board, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HIGGINS of Louisiana:

H.R. 3358. A bill to amend the Energy Policy Act of 2005 to direct the Secretary of Energy to carry out demonstration projects relating to advanced nuclear reactor technologies to support domestic energy needs, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. HUFFMAN (for himself, Mr. LANGEVIN, Mr. BACON, Ms. JACKSON LEE, Ms. GABBARD, Mrs. BEATTY, Ms. BASS, Ms. OMAR, Mrs. RODGERS of Washington, and Ms. LEE of California):

H.R. 3359. A bill to establish a national, research-based, and comprehensive home study assessment process for the evaluation of prospective foster parents and adoptive parents

and provide funding to States and Indian tribes to adopt such process; to the Committee on Education and Labor.

By Mr. JOHNSON of Louisiana (for himself and Mr. COLLINS of Georgia):

H.R. 3360. A bill to modify the treatment of unaccompanied alien children who are in Federal custody by reason of their immigration status, and for other purposes; to the Committee on the Judiciary.

By Mr. MCKINLEY (for himself, Mr. TONKO, Mr. LOEBBACH, Mr. WATKINS, and Mr. TIPTON):

H.R. 3361. A bill to amend the Energy Policy Act of 2005 to reauthorize hydroelectric production incentives and hydroelectric efficiency improvement incentives, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. MILLER:

H.R. 3362. A bill to amend title 49, United States Code, to require small hub airports to construct areas for nursing mothers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. MOULTON (for himself and Mrs. TRAHAN):

H.R. 3363. A bill to amend the Federal Water Pollution Control Act to ensure that publicly owned treatment works monitor for and report sewer overflows, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. NORTON (for herself and Mr. BEYER):

H.R. 3364. A bill to require uniformed Federal police officers to wear body cameras and have dashboard cameras in marked vehicles; to the Committee on the Judiciary.

By Mrs. NORTON:

H.R. 3365. A bill to amend title 40, United States Code, to prohibit the Commission of Fine Arts from exercising authority over non-Federal property in the District of Columbia, and for other purposes; to the Committee on Oversight and Reform.

By Ms. OMAR (for herself, Ms. HAALAND, Ms. LEE of California, Ms. SCHAKOWSKY, Mr. TAKANO, Mr. KILMER, Ms. NORTON, Ms. JACKSON LEE, Mr. ESPAILLAT, Mr. SMITH of Washington, Mr. POCAN, Ms. WILD, Mr. SEAN PATRICK MALONEY of New York, Mr. KHANNA, Mr. HASTINGS, Mr. COHEN, Ms. TLAIB, Ms. PRESSLEY, Ms. OCASIO-CORTEZ, Mr. LUJÁN, and Ms. JOHNSON of Texas):

H.R. 3366. A bill to amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for school meals, and for other purposes; to the Committee on Education and Labor.

By Mr. PHILLIPS:

H.R. 3367. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit with respect to any stillborn child of a taxpayer; to the Committee on Ways and Means.

By Ms. SANCHEZ (for herself and Mr. FITZPATRICK):

H.R. 3368. A bill to establish a tax credit for on-site apprenticeship programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SHALALA (for herself, Ms. WASSERMAN SCHULTZ, Mr. MOULTON, Mr. CISNEROS, Ms. HOULAHAN, Ms. MUCARSEL-POWELL, Mr. LUJÁN, and Ms. SHERRILL):

H.R. 3369. A bill to close the GI Bill loophole and update the 80/20 rule for proprietary institutions of higher education; to the Committee on Education and Labor.



By Mr. THOMPSON of California (for himself and Mr. WITTMAN):

H.R. 3370. A bill to authorize the United States Fish and Wildlife Service to seek compensation for injuries to trust resources and to use funds received as that compensation to restore, replace, or acquire equivalent resources, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. SOTO, Mr. SERRANO, Mr. GRIJALVA, Mr. ESPAILLAT, Ms. OCASIO-CORTEZ, Mr. GARCÍA of Illinois, and Miss GONZÁLEZ-COLÓN of Puerto Rico):

H.R. 3371. A bill to amend titles XI and XIX of the Social Security Act to stabilize the Medicaid program in Puerto Rico; to the Committee on Energy and Commerce.

By Ms. VELÁZQUEZ (for herself and Mr. CISNEROS):

H.R. 3372. A bill to amend the Small Business Act to give small business contracting credit for subcontractors that are Puerto Rico businesses, and for other purposes; to the Committee on Small Business.

By Mr. DEFazio:

H.J. Res. 66. A joint resolution to amend the War Powers Resolution; to the Committee on Foreign Affairs, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOTTHEIMER (for himself and Mr. KING of New York):

H.J. Res. 67. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to charitable contribution and estate tax deductions under section 170 when a taxpayer receives or expects to receive a corresponding state or local tax credit; to the Committee on Ways and Means.

By Mr. WEBER of Texas:

H. Res. 448. A resolution expressing support for designation of June 19, 2019, as "Juneteenth Independence Day" in recognition of June 19, 1865, the date on which slavery legally came to an end in the United States; to the Committee on Oversight and Reform.

By Mr. KEATING (for himself and Mr. WILSON of South Carolina):

H. Res. 449. A resolution expressing support for a genuinely democratic repeat mayoral election in Istanbul, Turkey; to the Committee on Foreign Affairs.

By Ms. JACKSON LEE (for herself, Mr. LEWIS, Mr. RICHMOND, Mr. COHEN, Mr. VELA, Mr. ESPAILLAT, Ms. SCHKOWSKY, Ms. MOORE, Mr. CARSON of Indiana, Mr. VEASEY, Ms. NORTON, Mr. HORSFORD, Mr. JOHNSON of Georgia, Mr. LAWSON of Florida, Ms. PRESSLEY, Ms. KELLY of Illinois, Mr. BISHOP of Georgia, Mr. PALLONE, Mr. CLAY, Mr. BUTTERFIELD, Ms. FUDGE, Ms. WILSON of Florida, Mrs. BEATTY, Mr. MEEKS, Mrs. WATSON COLEMAN, Ms. BLUNT ROCHESTER, Mr. BROWN of Maryland, Mrs. DEMINGS, Mr. GREEN of Texas, Ms. LEE of California, Ms. CLARKE of New York, Ms. BASS, Ms. PLASKETT, Mr. THOMPSON of Mississippi, Mr. CUMMINGS, Ms. OMAR, Mr. DANNY K. DAVIS of Illinois, Mr. MCEACHIN, Mr. PAYNE, Mr. JEFFRIES, Ms. ADAMS, Ms. SEWELL of Alabama, Mrs. MCBATH, Mr. RUSH, Mr. CLYBURN, Mrs. HAYES, Mr. SCOTT of Virginia, Mrs. LAWRENCE, Mr. DAVID SCOTT of Georgia, Mr. EVANS, Mr.

CLEAVER, Ms. WATERS, Mr. ALLRED, Mr. DELGADO, Mr. ENGEL, Mr. NEGUSE, Mr. HASTINGS, and Ms. CASTOR of Florida):

H. Res. 450. A resolution recognizing June 19, 2019, as this year's observance of the historical significance of Juneteenth Independence Day; to the Committee on Oversight and Reform.

By Mr. DAVID P. ROE of Tennessee (for himself, Mr. TAKANO, Mr. BILLRAKIS, Mrs. RADEWAGEN, Mr. BANKS, and Mr. BOST):

H. Res. 451. A resolution expressing support for the designation of the week of June 16 through June 23, 2019, as National GI Bill Commemoration Week and Celebrating the 75th Anniversary of the Servicemen's Readjustment Act of 1944; to the Committee on Veterans' Affairs.

### CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCGOVERN:

H.R. 3332.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution

By Mr. COLLINS of Georgia:

H.R. 3333.

Congress has the power to enact this legislation pursuant to the following:

Article I Section 8 of the United States Constitution

By Ms. KUSTER of New Hampshire:

H.R. 3334.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. NEAL:

H.R. 3335.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: to provide for the common Defence and general Welfare of the United States.

By Mr. DANNY K. DAVIS of Illinois:

H.R. 3336.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1: to provide for the common Defence and general Welfare of the United States.

By Mr. BRENDAN F. BOYLE of Pennsylvania:

H.R. 3337.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution under the General Welfare Clause.

By Ms. JUDY CHU of California:

H.R. 3338.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section XIII of the Constitution: The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States;

By Mr. EVANS:

H.R. 3339.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. GOMEZ:

H.R. 3340.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States

By Mr. HIGGINS of New York:

H.R. 3341.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. HORSFORD:

H.R. 3342.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. KILDEE:

H.R. 3343.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. MOORE:

H.R. 3344.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mrs. MURPHY:

H.R. 3345.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution to "provide for the common Defence and general Welfare of the United States."

By Mr. PASCRELL:

H.R. 3346.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to provide for the common Defence and general Welfare of the United States.

By Ms. SEWELL of Alabama:

H.R. 3347.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. LOUDERMILK:

H.R. 3348.

Congress has the power to enact this legislation pursuant to the following:

Art. I, Sec. 8, cl. 18

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DOGGETT:

H.R. 3349.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution

By Mrs. HARTZLER:

H.R. 3350.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution

By Mr. ENGEL:

H.R. 3352.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the Constitution

By Ms. FUDGE:

H.R. 3353.



Congress has the power to enact this legislation pursuant to the following:

To Regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

By Ms. FUDGE:

H.R. 3354.

Congress has the power to enact this legislation pursuant to the following:

To Regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

By Mr. GARCÍA of Illinois:

H.R. 3355.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the U.S. Constitution

By Mr. GOSAR:

H.R. 3356.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8—"To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or any Department or Officer thereof"

By Mr. HICE of Georgia:

H.R. 3357.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HIGGINS of Louisiana:

H.R. 3358.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of Section 8 of Article 1 of the Constitution

By Mr. HUFFMAN:

H.R. 3359.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18: "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department of Officer thereof"

By Mr. JOHNSON of Louisiana:

H.R. 3360.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Mr. McKINLEY:

H.R. 3361.

Congress has the power to enact this legislation pursuant to the following:

Article 1 Section 8

Section 8—Powers of Congress. To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mrs. MILLER:

H.R. 3362.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 1

By Mr. MOULTON:

H.R. 3363.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Ms. NORTON:

H.R. 3364.

Congress has the power to enact this legislation pursuant to the following:

clause 18 of section 8 of article I of the Constitution.

By Ms. NORTON:

H.R. 3365.

Congress has the power to enact this legislation pursuant to the following:

clause 17 of section 8 of article I of the Constitution.

By Ms. OMAR:

H.R. 3366.

Congress has the power to enact this legislation pursuant to the following:

Article. 1., Section. 1.

By Mr. PHILLIPS:

H.R. 3367.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 provides Congress with the power to "lay and collect Taxes, Duties, Imposts and Excises."

By Ms. SANCHEZ:

H.R. 3368.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Ms. SHALALA:

H.R. 3369.

Congress has the power to enact this legislation pursuant to the following:

to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. THOMPSON of California:

H.R. 3370.

Congress has the power to enact this legislation pursuant to the following:

Article 1

By Ms. VELÁZQUEZ:

H.R. 3371.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power. . . To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Ms. VELÁZQUEZ:

H.R. 3372.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

The Congress shall have Power \* \* \* To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. DEFAZIO:

H.J. Res. 66.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 (relating to the power to make all laws necessary and proper for carrying out the powers vested in Congress)

By Mr. GOTTHEIMER:

H.J. Res. 67.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8

#### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 24: Mr. LAMALFA, Mr. RIGGLEMAN, Mr. LAMBORN, Mr. JOHNSON of Ohio, and Mr. SENBENBRENNER.

H.R. 33: Mr. DEUTCH.

H.R. 36: Mr. TONKO, Ms. WEXTON, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. PERLMUTTER, Ms. LOFGREN, Mr. BALDERSON, Mr. MARSHALL, Mrs. FLETCHER, Ms. KENDRA S. HORN of Oklahoma, and Mr. WALTZ.

H.R. 40: Mr. BEYER and Ms. BLUNT ROCH-ESTER.

H.R. 77: Mr. JOHN W. ROSE of Tennessee.

H.R. 186: Mr. NORCROSS.

H.R. 307: Mr. GUEST and Ms. KUSTER of New Hampshire.

H.R. 397: Ms. DELBENE and Mr. SOTO.

H.R. 435: Mr. SWALWELL of California.

H.R. 485: Mrs. LURIA.

H.R. 487: Mr. CUELLAR and Mr. LONG.

H.R. 510: Mr. ROGERS of Kentucky, Mr. KELLY of Mississippi, Mr. WILSON of South Carolina, and Mr. KENNEDY.

H.R. 535: Ms. BONAMICI.

H.R. 651: Ms. BLUNT ROCHESTER.

H.R. 663: Mr. STANTON and Miss RICE of New York.

H.R. 683: Ms. ROYBAL-ALLARD, Mr. TONKO, Mr. CARBAJAL, Mr. SIRES, Ms. JAYAPAL, Ms. MOORE, Mr. POCAN, Ms. CLARKE of New York, Ms. ESCOBAR, Mr. GOMEZ, Ms. JACKSON LEE, and Ms. MENG.

H.R. 717: Mr. SUOZZI.

H.R. 748: Mr. MALINOWSKI.

H.R. 806: Mr. MITCHELL.

H.R. 832: Mr. KELLER.

H.R. 860: Mr. VAN DREW.

H.R. 861: Ms. GABBARD.

H.R. 884: Ms. FINKENAUER.

H.R. 905: Mr. KILMER.

H.R. 906: Mrs. LEE of Nevada and Mr. ROGERS of Alabama.

H.R. 911: Mr. THOMPSON of Pennsylvania.

H.R. 943: Mr. CASE, Mr. SOTO, Mr. SMITH of Washington, Mr. RODNEY DAVIS of Illinois, Mr. BROWN of Maryland, Ms. HOULAHAN, and Mr. SCHIFF.

H.R. 948: Mr. PETERSON and Mr. GAETZ.

H.R. 961: Ms. HILL of California and Mr. NORCROSS.

H.R. 978: Ms. KELLY of Illinois, Mr. BEYER, Ms. NORTON, Mr. ENGEL, and Mr. PRICE of North Carolina.

H.R. 1002: Ms. HILL of California and Mr. KIM.

H.R. 1011: Ms. OMAR.

H.R. 1034: Mr. WELCH and Mr. LOEBSACK.

H.R. 1042: Mr. CISNEROS, Ms. HILL of California, and Mr. KIM.

H.R. 1043: Mrs. LAWRENCE.

H.R. 1044: Mr. GIANFORTE and Mr. DANNY K. DAVIS of Illinois.

H.R. 1046: Mrs. LAWRENCE.

H.R. 1058: Mr. SCHWEIKERT, Mr. GIANFORTE, and Mr. ENGEL.

H.R. 1092: Ms. CASTOR of Florida.

H.R. 1108: Mr. LAMALFA, Mr. WALBERG, and Ms. BASS.

H.R. 1133: Mr. GARAMENDI.

H.R. 1135: Mrs. WALORSKI.

H.R. 1166: Mr. DEUTCH.

H.R. 1175: Ms. WEXTON.

H.R. 1186: Mrs. LOWEY and Mr. NORCROSS.

H.R. 1225: Mr. ROUZER.

H.R. 1240: Mr. RICHMOND.

H.R. 1257: Mr. VAN DREW.

H.R. 1266: Ms. MUCARSEL-POWELL.

H.R. 1309: Mr. BRINDISI, Mr. KIND, Mr. PETERS, Mr. KEATING, and Mr. HUFFMAN.

H.R. 1327: Mr. OLSON.

H.R. 1358: Mr. REED.

H.R. 1370: Mr. THOMPSON of Pennsylvania.

H.R. 1379: Mr. CRIST, Mr. RASKIN, Mr. VELA, Mr. STEIL, Mr. GREEN of Texas, Mr. CÁRDENAS, Mr. McKINLEY, and Mr. MORELLE.

H.R. 1380: Ms. HILL of California.

H.R. 1396: Mr. CASE, Ms. CLARK of Massachusetts, Mr. COSTA, Mr. COURTNEY, Ms. CRAIG, Mr. CROW, Mr. DESAULNIER, Mr. GARAMENDI, Mr. HARDER of California, Mr. HIGGINS of New York, Mr. KILDEE, Ms. KUSTER of New Hampshire, Mrs. LEE of Nevada, Mr. LOEBSACK, Mr. LYNCH, Ms. MENG, Mr. TRONE, Mr. YARMUTH, Ms. PINGREE, Mr. GOLDEN, Mr. NORCROSS, Mr. PANETTA, Mr. PETERSON, Mr. QUIGLEY, Mr. RUIZ, Mr. SERRANO, and Ms. SPANBERGER.

H.R. 1398: Mr. CHABOT, Mr. STAUBER, Mrs. AXNE, and Mr. GUTHRIE.

- H.R. 1406: Mr. PETERS and Mr. CLINE.  
H.R. 1421: Ms. SLOTKIN.  
H.R. 1434: Mr. DESJARLAIS.  
H.R. 1441: Mr. KING of New York.  
H.R. 1450: Mr. MORELLE.  
H.R. 1488: Ms. ESHOO.  
H.R. 1511: Mr. RUSH.  
H.R. 1528: Mr. CALVERT.  
H.R. 1534: Mrs. LURIA.  
H.R. 1560: Mr. KIND.  
H.R. 1570: Ms. SEWELL of Alabama.  
H.R. 1571: Mr. MCGOVERN.  
H.R. 1586: Ms. JOHNSON of Texas and Ms. JACKSON LEE.  
H.R. 1606: Mr. PRICE of North Carolina and Mr. HUFFMAN.  
H.R. 1632: Mr. WILSON of South Carolina.  
H.R. 1653: Ms. STEFANIK.  
H.R. 1679: Mr. SUOZZI.  
H.R. 1690: Ms. OCASIO-CORTEZ and Mrs. CAROLYN B. MALONEY of New York.  
H.R. 1696: Ms. DAVIDS of Kansas, Mr. DEFazio, Mr. HARDER of California, Mr. SCHRADER, Ms. SEWELL of Alabama, Mr. COLE, and Mr. CARBAJAL.  
H.R. 1709: Ms. FUDGE, Mr. NORCROSS, Mr. CARBAJAL, Mr. VARGAS, Mr. CICILLINE, Mrs. LAWRENCE, Mr. KEATING, and Mr. KILDEE.  
H.R. 1730: Mr. DUFFY and Mr. TONKO.  
H.R. 1733: Mr. CARBAJAL.  
H.R. 1748: Mr. GALLEGO, Mr. LEWIS, and Ms. DELAURO.  
H.R. 1754: Mr. CISNEROS, Mrs. AXNE, and Mr. KIM.  
H.R. 1766: Mr. CRIST.  
H.R. 1771: Mr. ENGEL.  
H.R. 1784: Ms. TLAB.  
H.R. 1787: Ms. NORTON.  
H.R. 1837: Mr. NORCROSS, Mr. COOK, Mr. MALINOWSKI, and Mr. BISHOP of Utah.  
H.R. 1857: Mr. CASTEN of Illinois.  
H.R. 1858: Mr. ROUZER.  
H.R. 1873: Mr. LAHOOD, Ms. MENG, Mr. HURD of Texas, Mr. CLEAVER, Mr. CHABOT, and Mr. KIM.  
H.R. 1890: Mr. GALLAGHER.  
H.R. 1923: Miss RICE of New York.  
H.R. 1966: Ms. FUDGE, Ms. JOHNSON of Texas, Mr. PAYNE, Ms. KELLY of Illinois, Mr. RUSH, Mr. CLAY, Mr. CLEAVER, Mrs. HAYES, Mr. BUTTERFIELD, Mr. RICHMOND, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. SCOTT of Virginia, Ms. JACKSON LEE, Mr. JOHNSON of Georgia, and Ms. WILSON of Florida.  
H.R. 1967: Mr. LARSON of Connecticut.  
H.R. 1981: Mr. NORCROSS.  
H.R. 2009: Mr. MORELLE.  
H.R. 2015: Mr. WOODALL.  
H.R. 2054: Mr. COMER.  
H.R. 2062: Mr. SCHWEIKERT and Mr. KINZINGER.  
H.R. 2134: Mr. PASCRELL.  
H.R. 2146: Mr. BUTTERFIELD and Ms. ROYBAL-ALLARD.  
H.R. 2153: Mr. HURD of Texas and Mr. KILMER.  
H.R. 2180: Mr. YOUNG.  
H.R. 2218: Mr. KATKO.  
H.R. 2219: Ms. MENG.  
H.R. 2229: Mr. WILSON of South Carolina.  
H.R. 2232: Mr. RASKIN.  
H.R. 2235: Ms. LOFGREN.  
H.R. 2261: Mr. BACON.  
H.R. 2328: Mr. ROSE of New York.  
H.R. 2350: Ms. BROWNLEY of California.  
H.R. 2354: Mr. LARSON of Connecticut.  
H.R. 2387: Ms. JOHNSON of Texas.  
H.R. 2397: Mrs. LAWRENCE.  
H.R. 2398: Mr. STIVERS.  
H.R. 2407: Mrs. DINGELL.  
H.R. 2411: Mr. VAN DREW, Ms. DELAURO, Mr. O'HALLERAN, and Mrs. KIRKPATRICK.  
H.R. 2420: Ms. BARRAGÁN, Mr. LOWENTHAL, Ms. CLARKE of New York, Ms. JUDY CHU of California, Mr. GARAMENDI, Mr. VEASEY, Mr. COSTA, Ms. CRAIG, and Ms. CLARK of Massachusetts.  
H.R. 2435: Mr. STANTON.  
H.R. 2442: Mr. CISNEROS, Ms. HILL of California, and Mr. KIM.  
H.R. 2482: Mr. NEWHOUSE, Ms. BARRAGÁN, Mr. WELCH, Mr. HIGGINS of New York, Mr. ENGEL, Ms. PORTER, Ms. SHERRILL, Miss RICE of New York, Mr. KING of New York, Mr. CÁRDENAS, and Mr. MORELLE.  
H.R. 2489: Ms. PINGREE.  
H.R. 2501: Mr. COLE and Mr. MCADAMS.  
H.R. 2505: Mr. WESTERMAN and Mrs. KIRKPATRICK.  
H.R. 2517: Ms. HILL of California.  
H.R. 2528: Mr. CÁRDENAS, Mrs. KIRKPATRICK, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. CASTEN of Illinois, Mr. TONKO, Mr. LIPINSKI, Mrs. FLETCHER, Ms. BONAMICI, Ms. KENDRA S. HORN of Oklahoma, and Mr. WALTZ.  
H.R. 2584: Mr. HECK and Ms. BONAMICI.  
H.R. 2593: Mr. VELA.  
H.R. 2598: Mr. JOHN W. ROSE of Tennessee.  
H.R. 2615: Mrs. BROOKS of Indiana.  
H.R. 2647: Ms. ESHOO.  
H.R. 2721: Mr. TAKANO and Mr. CARBAJAL.  
H.R. 2741: Mr. NEGUSE.  
H.R. 2754: Mr. KHANNA.  
H.R. 2771: Mr. DUFFY.  
H.R. 2790: Mr. BOST and Mr. GREEN of Tennessee.  
H.R. 2791: Mr. LUJÁN.  
H.R. 2802: Mr. ARMSTRONG.  
H.R. 2813: Mr. POCAN.  
H.R. 2825: Mr. LOWENTHAL, Mr. LANGEVIN, and Mr. CHABOT.  
H.R. 2854: Ms. JACKSON LEE.  
H.R. 2875: Mr. KING of New York.  
H.R. 2876: Mr. KING of New York.  
H.R. 2895: Mrs. BUSTOS.  
H.R. 2897: Mr. RUSH and Mr. ROUDA.  
H.R. 2909: Mr. GRIJALVA.  
H.R. 2913: Mr. SCHIFF, Mr. RUTHERFORD, and Mr. RYAN.  
H.R. 2933: Mr. RASKIN.  
H.R. 2937: Mr. LUJÁN and Ms. MENG.  
H.R. 2975: Ms. SLOTKIN and Mr. KILDEE.  
H.R. 2989: Mr. GROTHMAN.  
H.R. 3000: Mr. BUCK.  
H.R. 3003: Mr. COHEN.  
H.R. 3006: Mr. KINZINGER.  
H.R. 3007: Mr. BEYER.  
H.R. 3012: Mr. BUCK and Mr. WALKER.  
H.R. 3018: Ms. MENG, Ms. TITUS, and Ms. DAVIDS of Kansas.  
H.R. 3024: Mr. RASKIN.  
H.R. 3038: Mr. PENCE, Miss RICE of New York, and Ms. SLOTKIN.  
H.R. 3048: Mr. KILMER.  
H.R. 3073: Mr. KING of New York, Mr. RODNEY DAVIS of Illinois, Mr. FITZPATRICK, Mr. POSEY, Mr. VELA, and Ms. NORTON.  
H.R. 3085: Ms. PINGREE, Mr. THOMPSON of Mississippi, Mr. JOHNSON of Georgia, Mr. DAVID SCOTT of Georgia, Ms. FUDGE, Mrs. WATSON COLEMAN, Mrs. BEATTY, Mr. BISHOP of Georgia, Mrs. DEMINGS, Mr. PAYNE, Mr. RUSH, Mr. DANNY K. DAVIS of Illinois, Ms. WILD, Mr. ESPAILLAT, Mr. MCGOVERN, Mrs. LAWRENCE, Mr. TONKO, Mr. PAPPAS, Mr. CONNOLLY, Mr. THOMPSON of California, Ms. MATSUI, Mr. LOWENTHAL, Mr. DESAULNIER, Mr. HUFFMAN, Ms. VELÁZQUEZ, and Mr. MALINOWSKI.  
H.R. 3110: Mr. KRISHNAMOORTHY, Ms. DELBENE, Mr. LEVIN of California, and Mr. CRIST.  
H.R. 3125: Mr. GOLDEN and Mr. SMUCKER.  
H.R. 3128: Mr. FLORES, Mr. WOMACK, Mr. RODNEY DAVIS of Illinois, and Mr. BOST.  
H.R. 3153: Mr. TRONE, Mr. LIPINSKI, Mr. MARSHALL, Mr. CASTEN of Illinois, Ms. KENDRA S. HORN of Oklahoma, Mr. BABIN, Ms. JOHNSON of Texas, Mr. LUCAS, and Ms. SHERRILL.  
H.R. 3159: Mr. MCKINLEY.  
H.R. 3165: Ms. HILL of California, Mr. ROUDA, Mr. RYAN, Ms. KUSTER of New Hampshire, and Ms. JAYAPAL.  
H.R. 3166: Mr. MCGOVERN and Mr. COHEN.  
H.R. 3196: Mr. COHEN, Mr. LIPINSKI, Mr. CASTEN of Illinois, and Ms. KENDRA S. HORN of Oklahoma.  
H.R. 3200: Mr. MCCLINTOCK.  
H.R. 3207: Ms. DEAN, Ms. SCANLON, and Mr. JOYCE of Pennsylvania.  
H.R. 3212: Ms. LEE of California.  
H.R. 3221: Mrs. KIRKPATRICK.  
H.R. 3230: Ms. ADAMS, Ms. NORTON, Ms. KELLY of Illinois, Ms. FUDGE, Ms. JOHNSON of Texas, Ms. MOORE, Mrs. WATSON COLEMAN, Mr. CARSON of Indiana, Ms. WILSON of Florida, Mr. GREEN of Texas, Mr. LAWSON of Florida, Ms. PLASKETT, Mr. RICHMOND, Mr. THOMPSON of Mississippi, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. CLEAVER, Mr. RUSH, Ms. BASS, and Mr. CISNEROS.  
H.R. 3241: Mr. GAETZ, Mr. MAST, Mr. FOSTER, and Mr. BERGMAN.  
H.R. 3250: Ms. WASSERMAN SCHULTZ.  
H.R. 3251: Mr. KING of New York.  
H.R. 3252: Mr. ALLRED, Mr. SHERMAN, Ms. WILD, Mr. TED LIEU of California, Mr. RASKIN, and Mr. COSTA.  
H.R. 3262: Mr. WILSON of South Carolina.  
H.R. 3265: Miss RICE of New York.  
H.R. 3267: Ms. KUSTER of New Hampshire.  
H.R. 3281: Mr. QUIGLEY, Mr. CRIST, and Mr. ALLRED.  
H.R. 3289: Mr. HURD of Texas.  
H.R. 3300: Mr. SAN NICOLAS.  
H.R. 3320: Mr. MCCAUL.  
H.R. 3330: Mr. FITZPATRICK.  
H.J. Res. 2: Mrs. LEE of Nevada.  
H.J. Res. 20: Mr. PERRY and Mr. CHABOT.  
H.J. Res. 48: Mrs. TRAHAN.  
H.J. Res. 65: Mr. KELLY of Mississippi.  
H. Con. Res. 20: Mr. CURTIS.  
H. Con. Res. 27: Mr. KRISHNAMOORTHY.  
H. Con. Res. 40: Mr. SWALWELL of California and Ms. SLOTKIN.  
H. Res. 114: Mr. BERGMAN and Mr. NEGUSE.  
H. Res. 129: Ms. OMAR.  
H. Res. 217: Ms. DELBENE.  
H. Res. 246: Mr. GAETZ, Mr. HILL of Arkansas, Mr. ROUDA, Mr. HICE of Georgia, Mr. COOK, Mr. GALLEGO, Mr. KEATING, and Mr. HOLLINGSWORTH.  
H. Res. 285: Mr. BACON.  
H. Res. 291: Mr. KENNEDY.  
H. Res. 296: Mr. NORCROSS.  
H. Res. 326: Ms. SHERRILL, Mr. SCHRADER, Mrs. MCBATH, and Ms. BARRAGÁN.  
H. Res. 358: Ms. JOHNSON of Texas, Ms. KELLY of Illinois, Mrs. HAYES, Ms. WILSON of Florida, Ms. CLARKE of New York, Ms. ADAMS, Mrs. DINGELL, Ms. BONAMICI, Ms. CLARK of Massachusetts, Ms. KUSTER of New Hampshire, Ms. BROWNLEY of California, Mr. CÁRDENAS, Mr. VARGAS, Ms. WILD, Mrs. LAWRENCE, Mr. TONKO, Mr. PAPPAS, Mr. BISHOP of Georgia, Mrs. DEMINGS, and Mr. MALINOWSKI.  
H. Res. 367: Mr. CASE.  
H. Res. 396: Mr. MCNERNEY and Mr. LOWENTHAL.  
H. Res. 410: Mr. GOMEZ and Mr. ENGEL.  
H. Res. 441: Mrs. LOWEY, Mr. SHERMAN, Mr. DUNCAN, Miss GONZÁLEZ-COLÓN of Puerto Rico, Mr. SMITH of New Jersey, Mrs. TORRES of California, Mr. GOTTHEIMER, Mr. VARGAS, and Mr. DIAZ-BALART.  
H. Res. 443: Mr. GAETZ, Mr. KILMER, and Mr. SPANO.  
H. Res. 444: Mr. ENGEL, Mr. SCHNEIDER, Ms. KUSTER of New Hampshire, Mr. LOWENTHAL, Ms. BASS, Mr. MOULTON, Mr. KILDEE, Mr. COSTA, Mr. BERA, Ms. SHALALA, Mr. HIGGINS of New York, Ms. DELBENE, Mr. VARGAS, Mr. CUMMINGS, Mr. GARCIA of Texas, Ms. ROYBAL-ALLARD, and Mr. CARBAJAL.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 116<sup>th</sup> CONGRESS, FIRST SESSION

Vol. 165

WASHINGTON, WEDNESDAY, JUNE 19, 2019

No. 103

## Senate

The Senate met at 9:30 a.m. and was called to order by the President pro tempore (Mr. GRASSLEY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ruler of history, giver of peace, guide our lawmakers. Remind them that no Earthly power can cancel Your promises. May they claim Your promise to supply their needs and to infuse them with Your spirit of peace. Lord, save them from the temptations of earthly security.

When their spirits shrivel, overtake our Senators with Your grace, mercy, and love. Break through estrangements and shatter the structures that lead us away from You.

We pray in Your strong Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mrs. BLACKBURN). Under the previous order, the leadership time is reserved.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### EXECUTIVE SESSION

### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will pro-

ceed to executive session to resume consideration of the following nomination, which the clerk will report.

The bill clerk read the nomination of Matthew J. Kacsmayk, of Texas, to be United States District Judge for the Northern District of Texas.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask to speak as in morning business for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

### MILITARY JUSTICE IMPROVEMENT ACT

Mr. GRASSLEY. According to the Pentagon's estimation, a young woman in the military has a one-in-eight chance of being sexually assaulted. Unfortunately, many cases are never prosecuted.

This is completely unacceptable. We must do more to prevent assaults and ensure that survivors get justice. The men and women who have volunteered to place their lives on the line deserve better.

The Military Justice Improvement Act would help ensure impartial justice and send the message that sexual assault in the military will not be tolerated.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

### MARK ESPER

Mr. MCCONNELL. Madam President, first this morning, I want to express my gratitude for Acting Secretary Pat Shanahan, whom we learned yesterday will soon be leaving the Department of

Defense. The Acting Secretary has served in a crucial post during challenging times and difficult circumstances. His deliberate leadership and steady focus on implementing the national defense strategy served the Nation, the Pentagon, and the men and women of the Armed Forces very well.

I respect his decision to withdraw his candidacy, and I hope it will bring to an end the media's scrutiny of his family.

It is unfortunate that this news means we are no closer to having a Senate-confirmed Secretary of Defense. As the Senate considers the NDAA this week, the many challenges facing our Nation are top of mind.

We need to modernize our military to meet the challenges posed by Russia and China. We need to stay assertive against local terrorism organizations like ISIS and al-Qaida until they are decisively defeated. We need to continue to reform and enhance critical partnerships from NATO to the Middle East, to the Indo-Pacific. Of course, we face an urgent need to deter and defend against Iranian aggression.

These challenges and opportunities demand strong leadership. While the Senate still looks forward to considering a nominee to formally serve as the Secretary of Defense, we should take heart in President Trump's choice for the next Acting Secretary, Mark Esper, our current Secretary of the Army.

Mark Esper is no stranger to the Senate. Among the many impressive stops on his résumé, he served with the Foreign Relations Committee and later as national security advisor to then-Majority Leader Bill Frist. Many of us remember his calming demeanor and his professionalism.

He served in several capacities at the Pentagon as well, including as Deputy Assistant Secretary of Defense. Immediately prior to becoming Secretary of the Army, he had also built a successful career in the private sector. All of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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this came after Mr. Esper's own decorated military service. His graduation from West Point was followed by Army Ranger training, which then led to serving in the Gulf war with the storied 101st Airborne.

Given the precarious international situation and challenges facing our Nation, I am encouraged that an experienced, tested, and capable leader such as Secretary Esper will be at the helm in the Pentagon. I look forward to working closely with him to defend America and advance our interests.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Madam President, later today, the Senate will officially turn to this year's National Defense Authorization Act. Every year, this legislation focuses this Chamber on one of our most fundamental constitutional duties—providing for the common defense. Every year, the Senate approves authorizing legislation to address the needs of America's men and women in uniform.

Over the past 2 years, our working closely with the Trump administration on the NDAA has yielded big results. We have authorized major investments in everything from new, cutting-edge systems, to improved services for military families, to massive strides toward restoring the readiness of our all-volunteer force. Yet, as the headlines are reminding us every day, this is no time to let up. In fact, it is just the opposite.

Russia's designs on Eastern Europe and the Middle East have certainly not abated nor has Putin's investment in long-range strike capabilities, from advanced hypersonic weapons to new missiles to stealthy submarines, nor has China's increasingly aggressive Pacific strategy nor has Iran's hell-bent commitment to underwriting terrorism and proxy conflicts throughout the Middle East.

So this year's NDAA is built with a heavy emphasis on strengthening our partnerships in the most troubled regions around the world. Of course, it also ensures that the U.S. military will sustain its place as the most-prepared, best-equipped, and most lethal fighting force in the world.

The legislation authorizes tens of billions of dollars for new battle force ships and an expansion of the Joint Strike Fighter Program. It lays the groundwork for expanding missile defense batteries, and it delivers a \$1.4 billion increase in funding for cutting-edge research and development.

From bases across America to posts overseas, the NDAA accounts for the needs of servicemembers and their families. It also prioritizes military construction and addresses problems with military family housing. It streamlines the delivery of benefits through the defense health program, and it unlocks a 3.1-percent pay raise for uniformed personnel.

Of course, our work on the floor in the coming days is just the last chapter. Our colleagues on the Armed Serv-

ices Committee and their staffs have been working overtime on this impressive legislation for many weeks. So, as we take the next step today, we should thank Chairman INHOFE and our colleagues for their leadership thus far.

#### CLEAN POWER PLAN

Madam President, on another matter, the previous administration left a sprawling mess of regulation tangled throughout the Federal Government and the U.S. economy.

Sweeping leftwing visions were dreamt up here in Washington and forced on farm families, domestic manufacturers, and small businesses throughout the country with there being very little regard for the consequences. The reach of regulators grew longer and longer, and the burden on American prosperity became heavier and heavier. So, naturally, rolling back much of this mess and putting Washington back in its place has been a major priority for the Republicans in Congress as well as for the Trump administration.

Yet some actions were so egregious and so likely illegal that the courts put a halt to them before we could even reform or repeal them. As my colleagues recall, the implementation of the so-called Clean Power Plan was frozen by a Supreme Court stay more than 3 years ago, back in 2016.

The Obama administration's War on Coal has already done plenty of damage in places like my home State of Kentucky, but at least this additional hammer blow on so many Americans' livelihoods was held off. It would have weaponized a Federal agency to bury energy producers and all of those who depend on them under one-size-fits-all regulations with duplicative mandates and unrealistic timelines. Also, as the production of the most affordable and reliable energy available to American families would have dried up, it would have left higher electricity costs in its wake.

Higher domestic power prices would have meant fewer American jobs here at home with there having been no meaningful effect on global emissions. Any rational observer would have concluded that this regulation would have been all pain for no gain—just good American jobs having been shipped overseas.

This was a bad idea that many of us here in the Senate fought tooth and nail. Back in 2013 and 2014, after President Obama's EPA Administrator refused my request to come meet with Kentuckians, I held hearings in Kentucky about the negative impacts the plan would have actually had. I worked with Governors to hold off on its implementation. I helped to spearhead an amicus brief in the legal proceedings and led on legislation to overturn the rule.

So unwinding this proposed economic self-sabotage and sticking up for working families has been a top priority of mine and of many of my colleagues for years. Fortunately, it has also been a

major priority for the Trump administration. Last year, it announced a proposed rule to do away with it, and, later today, the EPA will be finalizing it and making it official. I look forward to the administration's rolling out a new policy that upholds the rule of law, keeps the EPA within its statutory role, and encourages American energy reliability and affordability.

This is just one more win for all Americans who live and work in communities where affordable, homegrown American energy sources like coal still matter a great deal. It is another win for States like Kentucky. It is nice to have an administration that isn't narrowly focused on just big, blue, urban areas but that looks out for all of our country.

#### BORDER SECURITY

Madam President, on one final matter, as I have noted before, my colleagues on the Appropriations Committee will today begin marking up a stand-alone funding measure to address the humanitarian crisis on our southern border.

By now, it can hardly be more obvious that the border crisis is unacceptable and unsustainable. I think all of us know perfectly well that immigration is a politically charged subject. Yet, surely, at a minimum, Congress ought to at least be able to provide these emergency funds. This is what my Republican colleagues and I have been saying over and over again for weeks.

Remember, we are talking about money for noncontroversial purposes, mostly for humanitarian efforts. These are resources so that authorities can better accommodate the men, women, and children who have been turning up in record numbers on our southern border—resources to alleviate the overcrowding in facilities and to lighten the untenable burden that our overstretched agencies are having to bear. Whatever the Senate's other disagreements—and there are, certainly, plenty of them—this funding, for these purposes and in the midst of this crisis, should be a slam dunk.

I will not repeat here all of the facts and statistics to show why the status quo is so unsustainable. By now, we all know that the agencies along our border are running on fumes.

The Acting Commissioner of Customs and Border Protection has said:

We are at a full-blown emergency . . . The system is broken.

The Acting Director of Immigration and Customs Enforcement put it this way:

We are begging. We are asking Congress to please help us.

As I have noted several times, even the New York Times' editorial board has seen fit to side with the Trump administration on this issue. One of its two editorials on this subject was headlined: "Congress, Give Trump His Border Money."

It has now been 50 days since President Trump submitted a request for

emergency aid for badly overstretched agencies. In that time, partisan resistance has blocked progress. At least one House Democrat from a border State has publicly admitted that the left flank inside his own caucus has been the obstacle here. Yet, here in the Senate, I think many of us, Republicans and Democrats alike, hope and expect that we can do better than that. This body can take the lead, set a better standard, and deliver a clear message.

If the Appropriations Committee can approve this legislation today across party lines, it will be a big sign of progress. A big bipartisan vote will be a big step toward the Senate's forging a real consensus, where House Democrats have failed, and finally getting this urgently needed funding moving.

I am grateful to Chairman SHELBY and Ranking Member LEAHY for finding common ground and generating this progress.

I urge my fellow committee members on the Democratic side to finally put partisanship aside and vote to advance the kind of targeted, bipartisan solution that this crisis has needed for weeks.

**THE PRESIDING OFFICER.** The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

**THE PRESIDING OFFICER.** Without objection, it is so ordered.

Mr. DURBIN. I will yield when the minority leader, Senator SCHUMER, comes to the floor.

#### PRESCRIPTION DRUG COSTS

Madam President, a recent briefing told us a story that most Americans can, certainly, understand. People are saying: I can't afford to have cancer. What does that mean? It means the obvious—that 40 percent of Americans lose their entire life savings in 2 years or less after having a cancer diagnosis. The cost of healthcare, particularly for a serious illness, is so high that if you don't have a really good health insurance plan, it will wipe you out. That is the reality.

So is it any wonder that we are concerned about the lawsuit filed by the Trump administration and supported by Republican State attorneys general that would remove the guarantee in the law that reads that people with preexisting conditions can have health insurance? That, to me, is fundamental.

Over a majority of Americans either have a preexisting condition or have someone in the family with such a condition. Without the protection of health insurance, people can find themselves literally wiped out. When we hear that fewer than 50 percent of the people in this country have \$1,000 in savings, we can understand that even a trip to an emergency room can wipe out the meager savings people have been able to put together during the course of their lifetimes.

Why do Republicans and this President still seem determined to lessen

the coverage of health insurance for an American population that is so vulnerable to the high cost of healthcare?

When you ask the major insurance companies what is driving up the cost of health insurance premiums, they tell you it is pretty obvious. More than anything, it is the cost of prescription drugs.

Last night, in Florida, President Trump announced his plans for reelection. I guess my first question to him is this: Will you finish what you promised 4 years ago? On two of the things he promised—infrastructure and doing something about prescription drugs—he has done nothing.

How bad is the prescription drug situation in this country? As I said, it is the biggest driver of the increase in health insurance premiums. When you look at the specifics, you can see it.

Take a look at America's insulin scandal. Insulin was discovered almost 100 years ago by two Canadian researchers who surrendered the U.S. patent rights for \$1 and said at the time that no one should ever get rich on this lifesaving drug. Now look at what we are faced with—Humalog, made by Eli Lilly, a common insulin product. Humalog cost \$21 a vial in 1996. That same vial of Humalog today costs \$275—\$21 to \$275 unless you live in Canada. If you live in Canada, the exact drug, made by the same company, sells for \$39. It costs \$39 just across the border in Canada and \$275 here in the United States.

Is it any wonder that people with diabetes are rationing their insulin and, in doing so, endangering their health, with, sadly, many losing their lives because of that decision?

Why aren't we taking this on? The American people identify this as one of their major concerns when it comes to their economic vulnerability.

We are not taking it on because of the political muscle of PhRMA and the pharmaceutical companies. Sadly, they have this Chamber in a position where we are not entertaining legislation that would control prescription drug pricing, and, frankly, we have no legislative proposal coming forward by the Trump administration.

There are many good ideas out there. For example, do you ever see an ad for a pharmaceutical drug on television? If you don't, then you don't own a television. You can barely turn them on now without some ad for pharma drugs. It reaches the point where people learn how to pronounce and even spell Xarelto, having watched the ad so many times, and they can recite back to you what is said about various drugs that are advertised over and over.

The problems is, of course, that all of the information they give you, as fast as they can talk in 60 or 90 seconds, never includes the price. It never includes the price. HUMIRA, the most heavily advertised drug on television today—how much does it cost for this drug to treat psoriatic arthritis and to clear up the little red spot of psoriasis

on your elbow? It costs \$5,000 a month—\$5,000 a month.

If they were forced to advertise the price of the drug, with all of the claims that they make for the drugs, Americans would at least be notified about what they are getting into if they go to a doctor and ask for HUMIRA, but they will not. They refuse to disclose it.

So in fairness, the Trump administration's Dr. Azar, the head of HHS, called me last year and said he supported the bill that I had introduced calling for price disclosure. The administration is trying to do this by regulation, and I applaud them for that. There is so much more we can do, but I applaud them for that.

Who turned around to sue them in court to stop the requirement of price disclosure on ads? The pharmaceutical companies, including Eli Lilly, the one I just mentioned that has the scandalous pricing of insulin. They don't want Americans to know what they are charging for these drugs. They would rather fight this out over emails between insurance companies and prescription benefit managers and the like.

Well, it is time for us as a Congress, Democrats and Republicans, to acknowledge that we have had enough of this. We want pharma to be profitable so that they engage in more research for more cures, of course, but we can't stand by idly and watch this price gouging at the expense of American patients, those with diabetes and other serious conditions. We should insist, when it comes to pharma, that they have actual price competition.

They can have a patent period where they have exclusive rights to sell a drug. That is the incentive for them to discover these drugs. But there comes a point when there are supposed to be other drugs on the market—generic drugs—that offer the same benefits as the original brand-name drugs but at a much lower price. That was the design of the system. It has fallen apart.

The major drugs for sale in the United States today are going up precipitously in price. In the first 2 years of the Trump administration, 2,500 major drugs in this country saw their cost increase by double digits. That is what we are faced with while the Senate does nothing.

Senator McCONNELL was here today speaking about the agenda and what we need to do. Well, I certainly agree with him. The situation at our border needs to be addressed, and it should be quickly. We are going to take it up this morning in the Appropriations Committee. But beyond that, we need to take a step to deal with the issues that people really care about, issues that affect their daily lives, and No. 1 on that list—and they tell us No. 1 on their own list—is the cost of prescription drugs.

Now is the time for this Congress and Senate to act. You see this empty Chamber? It should be filled with Members of the Senate debating bills to

bring down the high cost of prescription drugs. Instead, it is silent, and the best we can do is to get a speech from a Senator from Illinois.

So I hope someone is listening, and I certainly hope Senator McCONNELL's office is listening.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Madam President, thank you to Chairman INHOFE and Ranking Member REED and their staff for their work to produce the Fiscal Year 2020 defense authorization bill. The Senate has spent very little time actually working on legislation this Congress so I look forward to considering this bipartisan bill and debating amendments.

This bill that the Senate is expected to consider soon authorizes \$750 billion for defense—far higher than last year's amount of \$716 billion, and far higher than the House version of \$733 billion. This is because we are all committed to a strong national defense and for the protection of our men and women in uniform. But we also must make critical investments in other parts of the federal government that also contribute to a strong national defense.

Before becoming Secretary of Defense, then-General Mattis was fond of noting that if Congress doesn't fund the State Department then he'd need to buy more bullets.

We cannot hope to compete against China and Russia if we are not making critical federal investments here at home in everything from medical and science research to affordable, quality education.

So while this defense authorization bill is an important step, we must reach an agreement on budget negotiations so that we can begin working on appropriations bills as soon as possible.

Now let me mention a few key issues in this bill.

There is widespread agreement about the importance of space and the seriousness of the threats posed to our assets in space. We also all agree that the Defense Department needs to ensure that it prioritizes space personnel and equipment so that the issue doesn't get lost among many important defense concerns. But many of us were openly skeptical about the Department's proposal for a significant \$2 billion "Space Force" bureaucracy.

Should we spend \$2 billion on bureaucracy, or should we invest it in new, real space capabilities? The NDAA reaches a reasonable compromise on this subject. It elevates U.S. Space Command as a co-equal combatant command. It places more focus on space at the Secretary of Defense level, and it does not impose a large bureaucracy on the Air Force.

I appreciate this compromise, and I look forward to continuing to work with the chairman and ranking member to ensure that we are focused on providing clear organization and emphasizing real capabilities over more bureaucracy.

Another area we need to focus on is the process—the painfully long proc-

ess—that the Department of Defense has for developing and fielding new weapons systems.

One of the most illuminating—and frustrating—hearings this year in the Defense Appropriations Subcommittee was with DOD's head of research, Dr. Griffin.

It is clear from our conversation that the Pentagon is not moving at the speed of relevance in terms of deciding on new weapons systems and delivering them in reasonable timeframes. Dr. Griffin noted that the most advanced aircraft ever built—the SR-71 Blackbird—was designed, built, and flown in less time than it takes some parts of the bureaucracy these days to decide what to do next.

This has to improve. So I thank the chairman and ranking member for incorporating a reform I have proposed to speed up the process that the Pentagon goes through to conduct its initial analysis of alternatives. We know that this analysis of alternatives has dragged on for 18 months . . . 24 months . . . 27 months, in some cases. It is unconscionable. I hope this amendment can limit this nonsense and get the Department moving again.

I also appreciate the chairman and ranking member working with me to extend lease authorities for depots and arsenals such as Rock Island Arsenal in Illinois and on the honorary promotion of Tuskegee Airman Colonel Charles McGee, a true American hero.

I also hope that we can debate two other amendments I have introduced, which go to the heart of Congress's constitutional duties.

The first is the need for Congress to stop abdicating its responsibility on matters of war and peace. Article I of the Constitution gives Congress the sole authority to declare war. I voted for the war in Afghanistan, but I never imagined that we would still be there 18 years later, or that the bill I voted for back in 2001 would still be on the books, unchanged.

My amendment would sunset all authorizations for the use of force after 10 years so that Congress can take up the issue and engage in its constitutional duties.

I have also cosponsored an amendment led by Senator UDALL making clear that Congress has not given the executive branch any authority whatsoever to go to war against Iran.

These are matters of war and peace which demand this Chamber's attention. Think of the places around the globe currently justified under the 2001 AUMF voted on 18 years ago. Think of how dangerous and destabilizing a third war in the Middle East would be. I fear that we are drifting in that direction. Congress must step in.

My other amendment deals with this President's unbelievable decision to take money from our military so that our servicemembers could pay for his medieval wall on the southwest border.

It used to be that Mexico was going to pay for the wall. Remember that?

The President boasted about that more than 200 times on the campaign trail and in the Oval Office. But in February, he announced instead that he would take \$6.1 billion from the troops and put it toward building a wall.

We need a robust debate on the proper, effective way to respond to the humanitarian crisis at our border. But taking money from our men and women in uniform is not the way to do it. I hope we can debate this more.

Madam President, I hope that we may be able to debate these issues during floor consideration of this authorization bill. In the meantime, I reiterate my thanks to Chairman INHOFE and Ranking Member REED for their work on this bill.

Mr. DURBIN. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAMER). Without objection, it is so ordered.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. THUNE. Mr. President, this week we will begin consideration of the National Defense Authorization Act, the annual legislation to authorize funding for our military and national defense. This year's legislation builds on last year's bill, with its emphasis on restoring military readiness and ensuring that we are prepared to meet threats from major powers like China and Russia.

Some may take it for granted that we have the strongest military in the world, but our military strength, built on the service and sacrifice of our men and women in uniform, requires sustained investment. In recent years, budgetary impasses paired with increased operational demands have left our Armed Forces with manpower deficits and under-equipped for confronting the threats of the 21st century. Given the multitude of threats around the world, we cannot afford to become complacent or ease our preparedness. The truth is, the last time our military underwent a comprehensive modernization, Ronald Reagan was President.

In November 2018, the bipartisan National Defense Strategy Commission released a report warning that our readiness had eroded to the point where we might struggle to win a war against a major power like Russia or China. The Commission noted that we would be especially vulnerable if we were ever called on to fight a war on two fronts. Repairing this readiness deficit has to be one of Congress's most important priorities.

Last year's National Defense Authorization Act took major steps forward on modernization, making significant and targeted investments in the research, manpower, and materiel needed to equip our military to face 21st-century threats. We have made real



progress, but there is a lot more work to be done.

This year's National Defense Authorization Act focuses on building on the progress we have made. It invests in the planes, combat vehicles, and ships of the future, including the Joint Strike Fighter and the future B-21 bomber, which will be based at Ellsworth Air Force Base in my home State of South Dakota. It authorizes funding for research and development and advanced technology. It authorizes funds to modernize our nuclear arsenal to maximize our deterrence capabilities. It also focuses on ensuring that we are equipped to meet threats on new fronts, including in the space and cyber domains.

It is important that we invest in these new areas of the battlefield to ensure we are prepared to meet and defeat threats. We are once again in an era of great power competition, where states like China and Russia harbor imperial ambitions. The National Defense Authorization Act will help ensure that we have a credible deterrence and are equipped to meet threats from great powers as well as rogue states and terrorist organizations. This legislation will also invest in our relationships with key allies and security partners to help counter shared threats.

Importantly, this NDAA will help our military bases rebound from recent natural disasters.

Finally, of course, this legislation will invest in our most important resource—our troops and in their families.

This year's National Defense Authorization Act authorizes a 3.1-percent pay increase for our troops, the largest increase in a decade. They more than deserve it, and an increase is important for recruitment and retention in our All-Volunteer Force when the economy is as strong as it is.

The bill also focuses on addressing the recent significant health and safety issues faced by many families with private on-base housing, and it contains measures to support military spouses seeking employment and increased access to childcare on military installations.

It also allows parental leave to be taken in multiple increments, better adapting to the lives of our warfighters.

In his first annual address to Congress, George Washington noted: "To be prepared for war is one of the most effectual means of preserving peace."

There is no better way to preserve peace and protect our Nation than to ensure that the U.S. military is the best equipped, most capable fighting force in the world.

I look forward to working with my colleagues to pass the National Defense Authorization Act and to give our military men and women the tools they need to defend the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

#### ADMINISTRATION POLICIES

Mr. SCHUMER. Now, if there is one word to describe the State of the Trump administration, it is "chaos." The administration's policy at the border is in chaos; the administration's foreign policy is in chaos; and the Trump administration itself is in chaos: the vacancies in so many agencies, people within the administration fighting with each other, and the President tweeting away, even if it is unconnected to the people who actually administer the policies.

So even though this has been a constant theme in the Trump Presidency—the chaos within—it is getting worse and more alarming.

On the border, the President announces a new cockamamie policy almost every day: a national emergency to build a wall, tariffs with Mexico, shutting down the border entirely, mass arrests and deportations inside in our borders. Many of these "policies" were announced by tweet with little or no thought or force of action behind them. Not one of them has been implemented, even though the President could implement many on his own. Most were tossed aside as casually as they were announced, and it is easy to see why. The policies he has announced at the border are cruel, inhumane, ineffective, and most are impossible to carry out.

Meanwhile, the Trump administration is cutting off security assistance to Central American countries—the one thing his administration was doing to stem migration and address the root causes in the first place. Even on the issue the President talks about most, the chaos of his administration is making the problem exponentially worse, not better.

It doesn't get any better when it comes to the administration's foreign policy. In response to increased activity from Iran, the President has now announced two deployments of 1,000 troops or more without even explaining to the American people what is happening and why. As Commander in Chief, he owes it to the American people, and especially our troops, to clarify what he hopes to achieve in the Middle East. What is the strategy? What is the goal? What is the limit of what we will do, and what are the things we will do? Any foreign policy expert will tell you outlining these things helps the strategy and helps build support for it. Does the President have clear goals? Does he have a strategy or, once again, when he wakes up in the morning and thinks—one day, he tweets about it, and the next day he

thinks something else and tweets something different or even contradictory.

We have no earthly clue to the President's strategy or goals because, like everything else in his administration, his foreign policy is wracked by chaos.

The Trump administration, in terms of its personnel and leadership, is in chaos as well. Yesterday the President's choice for Secretary of Defense withdrew. Where was the vetting? Why wasn't this known by the White House long before he got to this level? So now the most powerful military in the world has been without a Senate-confirmed Secretary since Secretary Mattis resigned in December of last year—6 months without a confirmed head of the DOD. How can we conduct a foreign policy, a military policy with no head of DOD?

The administration is escalating tensions in Iran and sending troops overseas without a permanent Defense Secretary, someone who is really in charge and thoroughly vetted at the helm. It is not just the Defense Department where chaos reigns. The positions of Homeland Security Secretary, OMB Secretary, SBA Administrator, Ambassador to the U.N., and even the Chief of Staff in the White House are all in the acting capacity.

It is a revolving door. People want to leave. Most people of substance can't stand the chaos and misdirection from the President, and we have had less focused attention to issue after issue from this President than any in a very long time because of chaos. The institutions of our government under Donald Trump lack steady and experienced leadership. It is a crisis of competence. The President is making decisions without proper counsel, preparation, or even communications between the relevant agencies. It is policy by whim. The withdrawal of his Secretary of Defense nomination is only the latest example of an administration in chaos.

I raise these points not to disparage the President but because the swirling chaos in his administration hurts the American people. It has frustrated our ability to find real solutions at the border and stunted progress on issues Americans care about, like infrastructure and healthcare. Above all, I fear the chaos in the White House could lead our country closer to a conflict with Iran that most Americans want to avoid.

In short, the amateur hour must end. The U.S. Government is not an episode of "The Apprentice." It is real life with real consequences. It is deadly serious business. For the sake of the country, the Trump administration needs to get its act together.

#### CLIMATE CHANGE

Mr. President, now on climate, when I come to the floor to speak on matters of legislation, it is almost always about legislation here in Congress. But in our Federal system of government, the States, too, have enormous power to shape the current events in our country.

Today, I want to talk about a bill in my home State of New York that I believe will do just that. A few weeks ago, I endorsed the Climate Leadership and Community Protection Act, a bill that would put New York on a course for a net zero economy, meaning negligible to no carbon pollution by the year 2050. It is an ambitious target, but we need ambition because we live in unprecedented times.

We are witnessing human-caused climate change in the storms, floods, droughts, wildfires, and other extreme weather that has throttled our country in recent years. It has caused loss of life and destruction of livelihoods all over the country and all across the world. We must prioritize the urgency of climate change, and we must recognize the need to take bold steps to confront it aggressively.

It is unfortunate that here in Congress, because of our Republican colleagues, we don't do a thing, not one single thing on climate change. The bills the House has sent over and the bills that Democratic Senators have proposed end up in Leader McCONNELL's legislative graveyard. Nothing happens, and climate gets worse.

Thank God the States are doing something, and that is why I supported the climate bill in New York State. That is why I am so proud today that my State's legislative leaders have reached an agreement that will clear the way for its passage, with a vote in the Senate as soon as this evening.

I look forward to watching my State pass the most robust climate policy package passed by any State in the country. I am proud of that fact. I hope that it serves as an example for other States to follow, another catalyst for the national debate about how we can tackle climate change, and a reminder that we, in Congress, must do our part.

#### NOMINATIONS

Mr. President, Leader McCONNELL comes to the floor often to laud the quality of his party's judicial picks. But even the slightest scrutiny reveals that many of these judicial picks will disgrace the Federal bench.

Take the nominees we are considering this week. Several have terrible records on women's reproductive health, LGBTQ equality, and other issues, but Matthew Kacsmaryk from the Northern District of Texas takes the cake. Mr. Kacsmaryk has demonstrated a hostility to the LGBTQ community bordering on paranoia. He has opposed marriage equality. He has defended businesses that discriminate against people on sexual orientation, and he has opposed Equal Employment Opportunity Commission protections for people based on orientation.

Here is what he said. This is a man who is being given a lifetime appointment to the Federal bench. He said the nationwide right to marriage equality was a "road to potential tyranny." He called the inclusion of LGBTQ protections in VAWA "a grave mistake." He labeled the Equality Act a "public af-

firmation of the lie that the human person is an autonomous blob of Silly Putty, unconstrained by nature or biology, and that marriage, sexuality, gender identity, and even the unborn child must yield to the erotic desires of liberated adults."

This is a judge? Is this someone who is weighing both sides carefully and who is giving equal consideration to plaintiffs and defendants?

It is unbelievable that this man has been nominated, and he is not alone. The parade of narrowminded, often bigoted people who are being put on the bench simply because they are members of the Federalist Society is unprecedented in this country—unprecedented.

Beyond his work for the anti-LGBTQ group called the First Liberty Institute—which boasts such luminaries as Jeff Mateer, who said transgender children were "part of Satan's plan"—Mr. Kacsmaryk has no judicial experience. None. Why on Earth is this man a nominee for a lifetime appointment? Why would my colleagues want to drape black robes over these bigoted views? Our judicial system is designed to protect liberties, not denigrate them.

One Republican Senator rightfully voiced concerns about this man's fitness. Where are the others? Where are the others? I urge my friends on the other side to study this man's record because any fairminded look at his qualifications would demand a "no" on his nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BARRASSO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SASSE). Without objection, it is so ordered.

#### ESCAPE ACT

Mr. BARRASSO. Mr. President, we talked a lot in recent weeks about the importance of a transatlantic political and military alliance between our country and many other nations. In celebrating NATO's 70th anniversary in Washington a few months ago and the 75th anniversary of D-day in Europe, there has been a common theme, and that common theme has been security cooperation. The common theme has been a need to strengthen our response to threats that continue to arise around the globe.

I believe energy security is a critical part of our shared defense. That is why I just introduced legislation to help our NATO allies escape Russian bullying by improving European energy security. My bill imposes sanctions on Russia's Nord Stream 2 pipeline. It also speeds up U.S. natural gas exports to our NATO allies.

For years I have raised concerns about Russia's energy export pipeline project. Nord Stream 2 would carry

added Russian natural gas supplies to Germany via the Baltic Sea. It would do it along the existing Nord Stream 1 route. This pipeline will fuel Russian aggression as well as regional instability. For our sake and the sake of our allies, we must stop it.

Nord Stream 2 makes Europe and our NATO allies more dependent on Russia and so more prone to Russian influence. It also means a massive money transfer from our allies straight into the Kremlin's pockets. That is new money that Russia can use to fund their military.

As we know, Russian President Vladimir Putin is no friend. He is a dangerous foe, and he has plans to divide Europe and destroy NATO. Putin uses Russia's military and economy as tools of intimidation. One of Russia's biggest economic levers, of course, is its gas monopoly in Europe. In fact, Putin has a history of using his Russian energy resources as a geopolitical weapon.

Russia literally threatens to turn off the gas if its demands are not met. Putin did cut off natural gas supplies to Ukraine in 2006, again in 2009, and most recently in 2014. Of course, 2014 was the year that Russia invaded Ukraine and Crimea. Currently, most Russian gas exports to Europe must cross Ukraine, but by using Nord Stream 2 to bypass this route, Russia can freely undermine Ukraine's economy.

Putin threatens not just Ukraine but also our NATO ally Poland. Just last week Poland's President was here in Washington meeting with President Trump to discuss security issues. Unlike Germany, Poland is working to free itself from Russian energy reliance. Poland has signed a deal to buy an additional \$8 billion of abundant reliable American natural gas, and this is on top of the \$25 billion already under contract.

At the meeting last week, President Trump said he is considering Nord Stream 2 sanctions. He also warned Germany to end its dependence on Moscow. President Trump rightly noted: "We're protecting Germany from Russia and Russia is getting billions and billions of dollars from Germany."

The President is right. He went on to add: "Reliance on a single foreign supplier of energy leaves nations totally vulnerable to coercion and extortion."

The Economist magazine calls Nord Stream 2 "a Russian trap"—one that Germany has fallen into. I agree with the President and I agree with the Economist. Nord Stream 2 will completely undermine the European Union's efforts to diversify energy sources, suppliers, and routes.

Already, Russia supplies nearly 40 percent of European Union gas imports, and European demand for natural gas is expected to continue to grow rapidly. Many of our NATO allies, especially Germany, are becoming addicted to Russian gas. It is time for American intervention.

The bill I just introduced will help our allies to escape Putin's trap. The bill is actually called the ESCAPE Act. It stands for the Energy Security Cooperation with Allied Partners in Europe Act. It mandates sanctions on Nord Stream 2, as well as other Russian pipeline projects. At the same time, it speeds up U.S. gas exports to NATO allies. The bill also creates a transatlantic energy security strategy, and it directs our NATO representative to help our allies and our partners improve their own energy security.

The ESCAPE Act builds on previous action in Congress. The Countering America's Adversaries Through Sanctions Act, which Congress passed in 2017, authorizes but does not require sanctions on Russian energy pipelines.

In March of 2018, I led a bipartisan group of 39 Senators in sending a letter to key administration officials opposing Nord Stream 2. President Trump has made clear time after time that he believes Europe's reliance on Russian gas undermines regional security. The United States, especially Wyoming, has been blessed with abundant natural gas resources and supplies. We have more than enough gas to meet America's needs, as well as exporting gas to other countries. So why shouldn't we use some of these energy resources to help our friends in Europe, as well as our own energy workers here at home.

Last summer I published an op-ed in the Washington Post saying:

We made clear that we want to roll back Russia's energy invasion of Europe. Now Congress should take the next step and mandate sanctions.

Freeing Europe from Russian energy dependence will strengthen both our allies and our NATO alliance. It is time to shut off Putin's pipeline valve and open Europe's escape valve. It is time to pass the ESCAPE Act.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### HONG KONG

Mr. CARDIN. Mr. President, this past week we saw the largest protest in Hong Kong since 2014. Millions turned out in order to protest the erosion of civil rights, human rights, and good governance in Hong Kong, violating the commitment that was made during the July 1, 1997, transfer of Hong Kong from the United Kingdom to China.

We saw China backtracking in 2014 on its electoral changes, when the candidate for the Chief Executive had to be screened by the Chinese Government, contrary to the commitments that were made when Hong Kong's relationship with the United Kingdom ended.

The protests in 2014 were called the Umbrella Movement because a large

amount of protesters, who were being attacked by the police with tear gas, were using umbrellas to protect themselves from the tear gas itself. The "one country, two systems" that was developed after the United Kingdom relinquished its control in 1997 was a commitment that Hong Kong would be a capitalistic system and the way of life that existed before the transfer to the Chinese would be upheld and unchanged. That was the commitment that was given, and that commitment has not been lived up to by China.

There is the Chinese interference we saw in 2014, and then this time we saw the government of Hong Kong try to implement an extradition law that provided real concern about people who disagreed with what is happening in China and who wanted to protest about their universal rights of being subjected to extradition to China.

This is not hypothetical; this is a real concern. Two million people went to the streets this month in Hong Kong to protest that erosion of rights in Hong Kong, basically at the insistence of the Chinese Government.

This is not theoretical. Lam Wing-kee is one example. I can give many examples. In 2015, he mysteriously disappeared. He was selling literature in Hong Kong that was banned by the Chinese Communist Party in China, not Hong Kong, supposedly. He disappeared from the streets and ended up in China, in solitary confinement in one of their prisons. He was ultimately allowed to leave with certain commitments. He decided to flee to Taiwan and stay safe there.

There are so many other examples of individuals who are in jeopardy. The extradition law that was being proposed really put the fear into those people who live in Hong Kong and visit Hong Kong that if they did anything that would upset the Chinese Government, they could be charged with a crime in China and extradited to China, never to be seen again.

Millions turned out in protest. As a result of the protests and, quite frankly, the international spotlight on what was happening in Hong Kong, the government decided to withdraw the extradition—the proposed law, but they didn't say they would withdraw it permanently and made no commitments about any future. And, of course, the current chief executive remains there, which is very much against the reforms that were supposed to take place.

The United States has spoken on this issue. The United States-Hong Kong Policy Act of 1992 allows the United States to treat the territory as separate from the rest of China politically, economically, and otherwise under certain conditions. Those conditions are that Hong Kong remain sufficiently autonomous from China and that the rights of its citizens be protected. That is specific in our law.

I question, as I think many of us do, whether Hong Kong and China are complying with the conditions under which

the United States passed the United States-Hong Kong Policy Act of 1992 that allows for preferential treatment in Hong Kong that is not enjoyed by China.

Last week, Senator RUBIO and I, with the support of the chairman and ranking member of the Senate Foreign Relations Committee, introduced the Hong Kong Human Rights and Democracy Act. It reaffirms the act that we passed in 1992 to make it clear that Hong Kong's recognition by the United States and its trading relationship with the United States and its special relationship with the United States—much different from China—only exist if the conditions on autonomy are maintained.

Under this legislation, we require the administration to periodically certify to us that Hong Kong is, in fact, in compliance with the conditions of the 1992 law. If not, special exceptions would no longer be valid. We also put into this statute sanctions against those who are responsible for abridging the human rights of people in Hong Kong. This is similar to what we did in regard to the Magnitsky statutes.

I am very proud of the work this Chamber did, particularly the work I was able to do with our late colleague Senator McCain on passing the Magnitsky laws. We first applied it to Russia. We then applied it globally. Now we have seen other countries also apply these sanctions where if a person violates basic, internationally recognized human rights, that individual is denied the opportunity to visit America by not allowing any visa or the use of our banking system. We extend those types of sanctions in regard to those who are violating the rights of the people of Hong Kong.

Let me point out that our foreign policy—our strength is American values. It is the values we stand for as a nation—democracy, support for human rights, the basic freedom of people, religious freedom. Those are the values America brings to our engagement globally. It is important that we be on the right side of history in regard to Hong Kong and that the Congress and the American people stand in solidarity with the people of Hong Kong; that we stand with them and the commitment that was given in 1997 that Hong Kong would be different and autonomous from China and the rights of their people would be protected, as they were under British control.

It is important today that the Senate, the Congress, the American people, and our government stand by those commitments and stand with the people of Hong Kong. We saw millions show up this week to show their support for these principles. We must stand with those people.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. COTTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ABORTION

Mr. COTTON. Mr. President, many State legislatures across the country have taken action recently to protect unborn babies from the violence of abortion. My home State, for instance, Arkansas, has just passed a law to protect unborn babies after 18 weeks of development. This reform is not just supported by Arkansans; it is supported by a large majority of all Americans, more than 70 percent of whom believe unborn babies ought to be protected at or before that stage of pregnancy.

These reforms are the work of the pro-life movement, which fights for the most vulnerable among us every day. The pro-life movement seeks change in the noblest tradition of our country and works within our democratic system so that our laws ultimately live up to our highest principle in the words of our Declaration of Independence—that all men are created equal and that all have a basic right to life.

Of course, this is a democracy. So not everyone agrees when or even if we ought to protect the unborn. I understand that. I know there are decent people on both sides of this sensitive issue. We resolve our differences and reach compromise through democratic debate. What should never happen, though, is a billion-dollar corporation's trying to dictate these moral questions to us. Politically correct CEOs shouldn't be in the business of threatening normal Americans, but that is exactly what we have seen lately.

The loudest objections to these pro-life laws haven't come from the bottom up, from normal citizens who happen to disagree with one another, but from the top down, from cultural elites and, increasingly, from giant corporations that wield their economic power as a weapon to punish the American people for daring to challenge their pro-abortion extremism.

Giant media companies, like Disney, Netflix, and WarnerMedia, have threatened to cripple Georgia's film industry if its residents don't bend the knee and betray their pro-life convictions.

Just last Monday, the New York Times ran a full-page advertisement that was organized by the pro-abortion lobby and was signed by the CEOs of hundreds of companies that read that legal protections for unborn babies are "bad for business." How disgusting is that? Caring for a little baby is "bad for business."

Now, I get why outfits like Planned Parenthood and NARAL would say babies are bad for business. Abortion is their business, after all, and they are just protecting market share. Yet what about all of those other CEOs? Why do they think babies are "bad for business"? It is, perhaps, because they want their workers to focus single-mindedly on working, not on building families and raising children.

All these politically correct CEOs want company men and women, not family men and women. They will support your individuality and self-expression just as long as you stay unattached and on the clock.

You couldn't find a more perfect example of this mindset than that of &pizza, one of those companies whose CEO signed the pro-abortion ad. This company, &pizza, doesn't even offer paid maternity leave to its employees, but it does celebrate their oneness and individuality. It will even pay employees to get a tattoo of the company logo. So if you want to be a walking billboard for your employer, &pizza will foot the bill, but if you are pregnant with a child, tough luck.

In the spirit of some of these CEOs, I might call for a boycott of &pizza for their political correctness, but you could just skip them because their pizza is lousy anyway.

There is a troubling trend among giant corporations using their wealth and power to force liberal dogma on an unwilling people. As liberal activists have lost control of the judiciary, they have turned to a different hub of power to impose their views on the rest of the country. This time it is private power located in a few megacities on the coasts.

That is not an exaggeration. The overwhelming majority of companies that lashed out against the pro-life movement in that New York Times ad are headquartered on the coasts, hoping to rule the rest of us like colonies in the hinterlands. More than three-quarters are headquartered in New York or California alone. More than a dozen are foreign companies. Yet those same companies presume to tell all of America what we should think.

For some reason, this outrage only seems to go in one direction. As States like Arkansas have passed pro-life laws, other States have sadly gone down a different path, stripping unborn children of recognition and protection under the law. States like New York, Illinois, and Vermont recently passed laws declaring abortion a fundamental right, accessible until moments before birth for practically any reason as long as you have a doctor's note.

We have already begun to see the consequences of these laws which strain so mightily to defy and deny the humanity of the unborn. In New York City, prosecutors recently dropped a charge of abortion against a man who brutally stabbed to death his girlfriend and her unborn child. They dropped that charge because the pro-abortion law that had just passed the legislature in Albany removed all criminal penalties for killing an unborn child. According to the laws of New York State, that woman's child never existed.

The pro-abortion laws passed in New York, Illinois, Vermont, and elsewhere truly deserve the label "radical." So why isn't the national media covering these radical laws with the same intensity they have reserved for States like

Georgia? Where are the indignant CEOs who profess to care so much for their female employees? They are nowhere to be found because their outrage is very selective. They don't speak for the majority of Americans, much less for women. Instead, they are actively trying to force a pro-abortion agenda on an unwilling public.

These companies want to wield a veto power over the democratic debate and decisions of Arkansans and citizens across our country. They want to force the latest social fashions of the coasts on small towns they would never visit in a million years. They want us to betray our deeply held beliefs about life and death in favor of a specious account of equality. If there is one thing the New York Times ad got right, it is that "the future of equality hangs in the balance" when it comes to abortion, but their idea of equality doesn't include everyone. It omits, it degrades unborn babies as expendable, lesser than even bad for business. That is a strange kind of equality, if you ask me.

This trend of intolerance ought to alarm everyone, no matter your views on this sensitive question. It threatens democratic debate on this question and ultimately on all questions.

Despite the pressure campaign waged against us, I am heartened because I know the pro-life movement will carry on, as it always has, speaking to the inherent dignity of every human life. Not everything can be measured on a corporate balance sheet. Some things are bigger and more important than the bottom line or what wealthy, politically correct corporations consider bad for business. The cause of life is one of those issues worth fighting for.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRESCRIPTION DRUG COSTS

Ms. STABENOW. Mr. President, I rise to talk about something I have talked about many times on the floor and to reiterate over and over again that healthcare isn't political; it is personal. It is personal for people in Michigan. It is personal for every person, every child, and every family all across our country.

It affects each of us, regardless of our political affiliation or the State we live in or what kind of car we drive. Hopefully, you are driving a car made in Michigan.

At some point, just about all of us will need to take at least one prescription medication in our lifetime. The question is, Will we be able to afford it?

Brian Hose knows this struggle very well. He owns Sharpsburg Pharmacy, an independent drugstore in Sharpsburg, MD. He joined me and some of

my Democratic colleagues at a press conference last week on the rising cost of prescription drugs.

As a pharmacist, Dr. Hose works hard every day to make sure the customers he has have access to the medications they need to stay healthy and, in many cases, to stay alive.

However, that task keeps getting harder and harder. Between 2008 and 2016, prices on the most popular brand-name drugs rose 208 percent—208 percent during that timeframe. Dr. Hose's customers didn't see their incomes rise 208 percent during that same time. Certainly people in Michigan didn't see their incomes rise 208 percent during that same timeframe.

According to AARP, the average price of brand-name drugs that seniors often take rose at four times the rate of inflation in just 1 year—four times the rate of inflation in 17 years alone. That is unsustainable for people.

Dr. Hose's most vulnerable customers are seniors, of course, especially those who live on Social Security. As the price of medications keeps going up and up, Dr. Hose's customers find it harder and harder to pay for the medications they need.

Dr. Hose said this: "In no way is the current system looking out for the best interests of the patient, who ultimately needs to buy their medications to stay alive." Just ask anyone who takes insulin. Insulin is not a new drug. In fact, it has been around since 1922—almost 100 years—when Canadian scientists treated the first diabetic patient. Those scientists sold the patent to the University of Toronto for three Canadian dollars. They said they didn't believe they should make money off of something that was so important to people's lives. Imagine. They knew how important their discovery was and how many lives would be saved. But somewhere between 1922 and 2019, insulin has become less about saving lives and more about making money. In fact, over the past 15 years, insulin prices have tripled, putting people's health and lives at risk.

Last summer, I met Nicole Smith-Holt, who lives in Richfield, MN. She came to Washington, DC, to testify during a hearing on prescription drug prices. Her son, Alec, was diagnosed with type 1 diabetes when he was 24 years old. Alec worked hard to keep his diabetes under control, but one thing he couldn't control was the rising cost of his insulin.

When Alec turned 26, he was no longer qualified to be under his parents' insurance plan, as we have under the Affordable Care Act. About 20 days later, he went to the pharmacy to buy his monthly supply of insulin. The bill for his insulin and supplies came to \$1,300. It was a week from payday, and he didn't have \$1,300, so he started rationing his insulin. Alec never made it to payday.

Nicole said:

I received a call that no parent ever wants to receive or expects to receive. I was told

that my son was found dead in his apartment, on his bedroom floor all alone.

She added:

We lost an amazing young man. He had so many hopes and dreams. He left behind a 5-year-old daughter who now has to grow up without her father. His little brother lost his idol, his sisters lost a best friend, and my husband and myself lost our child.

Affordable medication is a life-and-death issue for millions of Americans like Alec. Unfortunately, we have a pharmaceutical industry that is more interested in profits right now than in people.

In 2018, there were 1,451 registered lobbyists for the pharmaceutical and health product industry. That is almost 15 lobbyists for every Senator. Their job is to stop competition and keep prices high, and they are doing a very good job. It is the ultimate example of a rigged system. It has to change.

The No. 1 way we can bring down costs is to let Medicare negotiate the best price. From the beginning, Medicare Part D has been prohibited from harnessing the bargaining power of 43 million American seniors to bring down costs, which is absurd. That didn't make sense back in 2003, when it was passed as part of Medicare Part D's protectionist language, and it doesn't make sense today.

We know how negotiation can work. We know how negotiation can work because it works for the VA, which saved 40 percent compared to Medicare. We have the VA system for veterans, and we have Medicare for seniors and people with disabilities. The VA negotiates. Medicare is stopped by law from negotiating best price—which, by the way, keeps us with the highest prices in the world. In fact, according to a recent AARP analysis, Medicare could have saved \$14.4 billion on just 50 drugs in 2016 if that program had paid the same prices as the VA—\$14.4 billion. By the way, cut that down, that is hundreds of dollars—thousands of dollars out of the pockets of seniors and people with disabilities and, more broadly, people across the country in every family.

A recent poll found that 92 percent of Americans support allowing Medicare to negotiate drug prices. I would love 92 percent agreement on anything. We should be able to act quickly on something that 92 percent of the American public thinks we ought to do. So what is stopping us? The pharmaceutical lobby and my Republican colleagues in Congress. It is time to listen to the 92 percent of Americans who want to allow Medicare to negotiate with drug companies. It is just plain common sense.

Negotiating a bulk price is not radical; it is actually something that is done in industry after industry after industry.

Dr. Hose said:

Seniors in Medicare Part D are one of the largest purchasers of medication in the world. Yet they are unable to leverage their buying power to decrease their costs.

It makes no sense. It makes no sense. It is past time that this should be changed. But we certainly, as we are talking about ways to lower prices right now—and I commend the chairman and ranking member of Finance for working on this issue and the chairman for bringing the top drug company CEOs and the pharmacy benefit managers into committee. I commend him for that. But this is the moment we need to be totally focused and totally serious about bringing down prices in the most effective way. If we want to do it right, we need to allow Medicare to negotiate on behalf of the American people and put people first.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. LANKFORD). The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. CORNYN. Mr. President, today we will take the first step in the passage of the National Defense Authorization Act when we hold the cloture vote this afternoon. For the last 58 years, consecutively, Congress has passed this important legislation to fund our Nation's military and support the men and women who wear our uniform and defend our freedoms, both at home and around the world.

Last month the Senate Armed Services Committee voted overwhelmingly by a vote of 25 to 2 to advance this legislation to the Senate floor. So it goes without saying, perhaps, that this enjoys broad bipartisan support, but in this political environment, I will go ahead and say that anyway.

This bill received that kind of support because it includes the ideas and feedback from Members of both parties and places our national security where it should be, above all other considerations when it comes to the Federal Congress.

I wish I could say the same thing about the House version of the National Defense Authorization Act. After extensive debate and a largely party-line vote in the House, the House Armed Services Committee voted last week to ban the deployment of low-yield nuclear warheads on submarine-launched ballistic missiles, which is a dangerous step that could prevent us from being able to respond to attacks from our adversaries.

I realize the seriousness of this topic, and really the purpose of my speaking today is to raise the visibility of this issue so that Members can begin to understand and grapple with the subject matter and reach informed decisions, which I believe would be in favor of the Senate version, which would allow the deployment of low-yield nuclear weapons on submarines.

Significantly, I believe the House provisions, although well-intended, would make the potential for the use of these weapons more likely rather than less. To state the obvious, I hope that no nuclear weapon in our arsenal or in the arsenal of an adversary of ours will ever see the light of day. Nuclear weapons should always be a last resort.

If you think about it, it is really almost a miracle that 74 years ago at Hiroshima was the last time a nuclear weapon was used, and I hope that record continues unbroken indefinitely. Why has it been 74 years? Well, it is because the countries, by and large, that possess nuclear weapons realize the gravity of their use and that, once started, a nuclear war would result in devastation for everyone—everyone, literally—on the planet.

Yet we would be foolish to ignore the clear posture of our adversaries when it comes to nuclear weapons and play into their hands and, I think, actually make the use of these weapons more likely through miscalculation and mistake. Let's take Russia, for example. Back when General Dunford, the Chairman of the Joint Chiefs of Staff, testified at his confirmation hearing before the Armed Services Committee, he was asked his assessment of the threat that Russia poses to the United States. He said: My assessment today, Senator, is that Russia presents the greatest threat to our national security. If you want to talk about a nation that could pose an existential threat to the United States, I would have to point to Russia, and if you look at their behavior, it is nothing short of alarming.

That was in 2015, and I would say, in terms of the existential threat, nothing has changed in terms of Russia's bad behavior. They have continued their bad behavior to this day in Syria, Ukraine, and Crimea. Basically, if they feel they can make America's job tougher anywhere around the world, they try to do so.

Looking at Russia and its nuclear arsenal—their nuclear deterrent strategy is one of the world's worst-kept secrets. It is known by most as “escalate to deescalate.” The Russians are aware that the United States possesses far greater conventional military capabilities and developed a strategy that uses their lesser capabilities as an advantage. But Russia's nuclear doctrine allows them to attack conventional forces—say, NATO forces in Europe—with a nuclear weapon under the pretext that the United States would have no way to respond to that attack—in other words, use of a low-yield tactical nuclear weapon in Europe—and they would essentially dare the United States to respond, and the only option the United States has is a strategic weapon on top of an intercontinental ballistic missile. Well, you can see why a President would be reluctant to use that sort of devastating power to respond to the use of a tactical nuclear weapon in Europe—attacking one of our NATO partners. That is the dis-

parity I think all of our Members need to be aware of and need to think about.

The foundation of the Russian nuclear doctrine is this: They believe the United States would be hesitant to retaliate against a low-yield first strike by Russia with a high-yield weapon. Through their actions, those who are opposing the deployment of low-yield nuclear weapons in the Defense authorization bill are confirming the belief of the Russians that absent a low-yield tactical weapon that could be used in response without using strategic weapons and risking a nuclear holocaust—actually, it counterintuitively makes it more likely that the Russians would take that step through miscalculation.

Our friend and colleague Senator INHOFE, the Chairman of the Armed Services Committee, said on the floor last summer when we were having a debate on this topic that Russia “may perceive that limited nuclear first use, including low-yield weapons, would present the United States with two bad choices: escalate or do nothing.” He is exactly right.

We are dissuaded from using conventional forces out of fear that the conflict would quickly escalate into a catastrophic world war, but we cannot accept inaction as an appropriate response. In order to honor our NATO and global security commitments, our military needs to have the capacity to respond appropriately and proportionately to any attack, and to do that, we must develop our own low-yield nuclear weapons and bolster the deterrent value of the U.S. nuclear triad.

The point here is to make nuclear war—to take it off the table so that no one will even dare travel down that path. That is the way we will keep that 74-year record since Hiroshima unbroken into the indefinite future, hopefully permanently.

The importance of replacing high-yield warheads with low-yield ones was underscored in the 2018 Nuclear Posture Review. The administration called for the employment of low-yield nuclear warheads to remove Russia's perceived advantage, which former Secretary Defense James Mattis once called “bellicose and cavalier.” It specifically argues that expanding these options will “help ensure that potential adversaries perceive no possible advantage in limited nuclear escalation, making nuclear employment less likely.” That is the point; that is the objective—to make nuclear employment less likely.

This is what the strategy refers to as credible deterrence. By reducing the disparity between their potential strike and our potential response, the initial attack is less likely. This is of huge importance to our country and our national security, as well as that of our allies. NATO and non-NATO allies depend on the U.S. nuclear deterrent for their own security, and we must take every step possible to be prepared.

I note, parenthetically, that this is another reason why only rational ac-

tors should have nuclear weapons, because when Kim Jong Un in North Korea or when the ayatollahs in Tehran get ahold of nuclear weapons, they may or may not be subject to the same sort of deterrence that a Russia is when it comes to the use of possible employment of nuclear weapons.

I find it perplexing that some of our Democratic colleagues are trying to take this step, which would place us in a strategic disadvantage against Russia, when they have made a platform of confronting Russian aggression. As a matter of fact, I think we all, on a bipartisan basis, have supported opposing Russian aggression. So why is it that we are hesitant to do so on this topic?

When it comes to Russia's most blatant form of aggression—nuclear weapons—we can't afford to unilaterally disarm our military and leave the United States without a credible deterrent. We have already seen Russia's flagrant violations of the Intermediate-Range Nuclear Forces Treaty, and it continues to modernize its nuclear weapons. The more it feels like it has gained some advantage over the United States, the more they may be tempted to actually use them.

Why should we allow that to continue without preparing for a possible response or, at minimum, reducing the likelihood they will ever be employed in the first place?

House Armed Services Chairman ADAM SMITH said: “We do not think it is the proper approach to start talking about a proportional response, because it plants in peoples' minds that there is somehow an acceptable nuclear war.”

That is just not true. No one accepts as inevitable a nuclear war. What we are trying to do is to reduce the potential that that might actually happen because of its devastating consequences to everyone on the planet, literally.

While there is no doubt we would all prefer to live in a world with no nuclear weapons, indulging in utopian dreams is not what our constituents sent us here to do—wishful thinking. We can't reduce or stifle our nuclear capabilities while allowing our adversaries to increase their arsenals and their capability. We must operate in the world we live in, not the one we wish for. America's adversaries possess this low-yield nuclear weapon capability. At least from their rhetoric and their doctrine, it seems like they are prepared to use it.

I fundamentally disagree with House Democrats' attempts to block the Pentagon from deploying low-yield nuclear warheads on submarine-launched ballistic missiles, which was the recommendation of that Nuclear Posture Review I mentioned earlier. They would place our country at a strategic disadvantage and reinforce our adversaries' belief that they can escalate to deescalate and make the world a far more dangerous place.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.



## GUN VIOLENCE

Mr. BLUMENTHAL. Mr. President, 6 years have passed since 20 beautiful children and 6 wonderful educators were killed in a massacre that gripped the Nation's attention in Newtown, CT. That tragedy, for any of us who lived through it, remains as real and vivid and grief-stricken today as it was then. We have lived with the memories and with the families and with countless others who found their lives changed—literally, transformed—in ways they never imagined.

In the day or so after that shooting—it may have been the following day—I was at one of the numerous calling hours I attended, and I spoke with one of the moms of those children. I said to her: When you are ready, we should talk about what can be done about gun violence in America.

She looked at me, through her tears, and she said: I am ready now.

Many of the families of Sandy Hook were ready then. Our Nation was ready then. Yet the U.S. Congress proved disastrously and tragically unready—in fact, failing in its responsibility to react not only with prayers and thoughts, as it did, but also with action to honor those wonderful children and educators with action, to honor them before others would die in the same way, the result of massacres that are preventable.

The Senate came close to acting. More than 50 votes were there for a background check bill, which had bipartisan support, but not the 60 votes that were necessary. From this Gallery vividly came the shout: Shame on you.

It was well justified.

Shame on the U.S. Senate for failing to act 6 years ago. Shame on the Congress for being complicit in the continuing massacres that have been added since Sandy Hook: Oak Creek, Blacksburg, Charleston, Chattanooga, Lafayette, Parkland, San Bernardino, Las Vegas, Sutherland Springs. That is just a partial list, not to mention the 90 deaths every day, often occurring singularly or in twos or threes or by suicide or by accident, as claimed the life of Ethan Song in Guilford, CT, when he was playing with a friend and a gun killed him—a loss that Kristin and Michael Song have made positive by their advocacy of commonsense measures to require safe storage of weapons.

The voices and faces of Sandy Hook have continued to inspire and move us. As of Parkland and all of the other tragedies that have occurred, they have rallied and written, emailed and called, organized and mobilized, and they have created a movement. It is a movement that is turning around this country, and it already has the effect of breaking the vice-like grip of the NRA on Congress. It is moving us forward. It has spawned groups at the grassroots, like Newtown Action Alliance and Everytown for Gun Safety, Moms Demand Action, CT Against Gun Violence, Brady, and many others, in-

cluding Sandy Hook Promise, whose dinner we will attend tonight, their annual gathering.

We have come to the floor of the Senate now to demand action that honors those victims and prevents more victims, more survivors, more grieving families. I am here with my colleague Senator CHRIS MURPHY, who has been an unstinting advocate, a champion, a partner in this effort. We are here to demand that this body act on a measure that was passed more than 100 days ago by the House, which would require a universal background check.

The fact that the House passed that measure is itself evidence of a change that is moving this country. The change in leadership in the House is the result of the election of new Members in the House of Representatives as a result of the gun violence prevention movement that politically is acquiring an undeniable and indisputable force. Gun violence prevention was on the ballot in the last election, and gun violence prevention won. It won in the new Members of Congress who have championed that universal background check measure and closing the Charleston loophole, and they have successfully passed it there. They are making a critical difference, and they are coming here. Their election is the result of that grassroots political movement that is changing the narrative, and for the first time, it puts us nearer—in fact, nearer than ever before, that I can remember—to commonsense measures that will stop gun violence.

I have been involved in this effort since my earliest days as attorney general in the early 1990s, when Connecticut passed a ban on assault weapons. I not only advocated for it but then defended it in court against many of the arguments that continue to be made today, even though they have been rejected by the courts and the American people.

States have moved forward, as Connecticut has done, to adopt these commonsense measures: universal background checks; a ban on assault weapons and high-capacity magazines; most recently, a safe storage bill, Ethan's Law in Connecticut; a ban on bump stocks and 3D weapons; and, of course, measures that keep guns out of the hands of dangerous people. But the laws of a State like Connecticut—those strong laws—are no stronger or more effective than the laws of the weakest States because guns come across our borders. We are at the mercy of States with little or no protection for their people. The solution is a national one. It must apply across the country to make our Nation safer and to keep guns out of the hands of dangerous people.

As near as we are and as much as has been accomplished, the work to be done is right here in this body, on this floor, and it must be done now. That is why we are here. That is why I have advocated for other measures. I have introduced Ethan's Law to provide for safe

storage. It has been supported here. A number of you have met with Kristin and Michael Song, and they will be visiting again. I have introduced an emergency risk protection order bill that would enable courts and law enforcement to take guns out of the hands of dangerous people as a result of a warrant and due process; an incentive program at the national level that makes States more aware and more inclined to adopt them, which should be bipartisan; a law that repeals PLCAA, the protection of lawful commerce in arms. This was adopted with the promise that no one would be deprived of a right of action, no one would be barred from the courthouse, but in fact PLCAA has prevented victims from seeking justice. It has stopped their day in court, and it should be repealed.

Those measures should be moved forward, and I am hopeful they will with bipartisan support. There is no question today about the need for a universal background check bill that Senator MURPHY and I and others who will speak today have advocated and now offers an opportunity for bicameral approval.

This movement has indisputable force. It has a dynamism and drive that will only increase regardless of what happens today. We are not giving up; we are not going away; and history will judge harshly a majority leader and a majority that fails to give us a vote. It will judge harshly opponents of these commonsense measures, and the voters will judge harshly because gun violence prevention will be on the ballot again. We will make sure of it. The American people will have an opportunity to vote again for candidates who support commonsense, sensible measures to make America safer, to keep guns out of the hands of truly dangerous people. The grip of the NRA is breaking. The gun lobby is crumbling from within and losing its traction in the field.

We are on the right side of history, and I hope my colleagues will see it that way, too, and will give us a vote. Let us vote on universal background checks, the bill that has come to us from the House of Representatives. Let's do it today.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, I am on the floor to join my colleagues Senator BLUMENTHAL and those who will speak afterward.

It has been 113 days since the House of Representatives passed H.R. 8, the bipartisan background checks bill. We have a proposal before the Senate as well, and we are here to make a simple request: Bring this bill up for a debate. Let us do our work as the U.S. Senate on an issue that dominates headlines, dominates kitchen table conversation, and steals from this country 36,000 lives a year, 3,000 a month, and 100 a day. Those are the number of people who are killed by gunshot wounds.

Each one of their stories is different. These are mostly suicides; many of them are homicides; accidental shootings; some are mass shootings that make the headlines, but no one can escape this horror today.

In my son's school, he has to go through an active-shooter drill every year. Think about the trauma we put kids through preparing for a stranger to walk into their classroom with a weapon.

Just this past weekend, 32 people were shot and 6 were killed in 1 city alone, the city of Philadelphia, including 24-year-old Isiaka Meite, who died this weekend. He was at a cookout to celebrate a graduation and to also celebrate Father's Day, and he along with four teenagers were shot while out celebrating. That is the reality of what happened in just one single city.

So I get it that the bill that passed the House of Representatives may not be the bill that could get 60 votes in the Senate, but what is so offensive to many of us who have lived with this epidemic—it is personal to everyone here—because I don't think there is an individual in the Senate who hasn't had a one-on-one experience with a victim of gun violence or the mother or father of someone who was killed. What is so offensive is that we are not even trying. We are not even attempting to find common ground.

The Senate used to do this. The Senate used to take big important issues, put them on the floor, and spend at least a week's time trying to figure out whether you could get 50 or 60 votes. We are not doing that on anything in the U.S. Senate today. This place has become a complete, total legislative graveyard. There is really nothing more important to families out there than their ability to protect their loved ones from harm. The fact that we are not trying to find consensus on the issue of gun violence, that there is no interest to put H.R. 8 before this body so we can attempt to debate it, amend it, and come to some consensus in the Senate is unconscionable to many of us.

I want to narrow my remarks on how exceptional this issue is from a public opinion standpoint. I have been on the floor so many times before talking about the evidence that points us to why background checks are the most impactful intervention we can make.

In Missouri, where they got rid of their universal background checks requirement, and guns started to flow into the community through gun shows and internet sales without a background check, homicide rates went up by 40 percent and reports of Missouri-bought illegal guns found in other neighboring States skyrocketed.

It is the exact opposite effect in Connecticut. Years ago, Connecticut put in place a universal background check requirement tied to a local permit. Research showed that reduced our gun homicide rate by around 40 percent. So the evidence is there.

Let's just talk about public opinion on this matter because there is really nothing like background checks today in the public consciousness. Today polls will show that 97 percent of Americans believe that everybody should go through a background check before they purchase a weapon. There is nothing else in America today that gets 97 percent support. I mean, there is nothing else that gets 97 percent support. These are actual numbers. Apple pie is supported by 81 percent of Americans. Kittens only get 76 percent support from the American public today, and baseball, the American pastime, has the support of only two-thirds of Americans. Yet 97 percent of Americans believe someone should fill out a form proving they are not a criminal or seriously mentally ill before buying a gun. Universal background checks, while here in Congress seemingly a very controversial, politically charged issue, is more popular than apple pie, kittens, or baseball. These are actual numbers.

I don't mean to make light of this. I just need to drive home the point that no matter if you represent a Republican-leaning State or a Democratic-leaning State, a State that voted for Donald Trump or a State that voted for Hillary Clinton, your constituents want you to vote for universal background checks.

Let me just give the full panoply of public opinion on this. The number of people who support background checks is 97 percent today. That includes 90 percent of gun owners. I can back that up with plenty of anecdotal experience from my State. When I talk to gun owners, many who assume I have a hidden agenda and who believe I want to confiscate their guns—when I sit and talk to them about background checks, they say: Of course. It took me 5 minutes. I don't want people who are criminals to get their hands on guns. Everybody should go through a background check. Ninety percent of gun owners think this is a good idea.

This is not new data. Back in 2012, prior to the shooting in Sandy Hook, 74 percent of NRA members who were polled said they supported requiring criminal background checks. A year later, in April 2013, a Washington Post poll showed that 91 percent of Americans supported background checks.

In July of 2014, a Quinnipiac poll found that 92 percent of Americans supported background checks, including, in that poll, 86 percent of Republicans and 92 percent of Independents, 90 percent of men and 94 percent of women and 92 percent of gun-owning households. You don't get below 90 in any constituency.

In September 2015, another poll showed 93 percent of Americans supported it and 90 percent of Republicans.

A CBS poll from 2016 shows that 89 percent of Americans supported it, including 92 percent of Republicans.

In March of 2017, a Pew Research Center poll found that 77 percent of

gun owners and 87 percent of non-gun owners supported background checks.

Then the February Quinnipiac 2018 poll found 97 percent of Americans support background checks.

These are stunning numbers. They are stunning numbers. Again, they don't require everybody in this Chamber to support the bill that passed the House of Representatives, but it has been 113 days since H.R. 8 passed, which is broadly supported by 90 percent of Americans, and we still have not had that bill or any version of this measure brought up before this body for debate or an attempt to find consensus.

This is the running theme. We are talking a lot about the Senate becoming a graveyard for legislation because, in my lifetime, I have read stories about the Senate working through big issues, having serious debates—sometimes not coming to a completed product, sometimes ending up stymied but more than not figuring out a way where 50 or 60 votes could be achieved.

The House is passing legislation—healthcare legislation, anti-violence legislation, clean elections legislation—and all of it is coming here to die, not because we can't find consensus but because we don't even try to find consensus. In those 113 days, approximately, 11,000 people have been killed by guns. That is a number that finds no equal in any other high-income nation. I can talk to you about the variety of reasons for it. Some of them can be solved by us; some of them can't.

America is a unique nation with a unique history. We are, indeed, a melting pot of races, ethnicities, and backgrounds. By virtue of that, we were likely going to be a more violent nation from the start. I admit that, but we have poured kerosene on this fire by having the loosest gun laws, a set of laws that are not supported by 90 percent of Americans who are asking us to do something different.

So we are on the floor today asking, begging, pleading with Senator McConnell and Republican leadership to at least bring H.R. 8, the Bipartisan Background Checks Act, or some version of it before the Senate so we can have a debate on the most important, most vital issue to Americans today—their physical safety.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I want to thank my colleague from Connecticut for leading this discussion today on gun violence. We want to focus on one bill in particular, one piece of legislation, but I want to step back for a moment and talk about this issue more broadly in terms of what it means for the American people.

We are talking about a problem, the problem of gun violence, which is a uniquely American problem. No other country has this problem. No other country has the amount of mass shootings. I don't know the exact number,

but we have had so many that we know them by the name of the community. When we say Newtown, CT, or Sandy Hook Elementary School, when we talk about places like Columbine, or Parkland, you know what happened at those places because they have become so common. So this is a uniquely American problem that Americans have to solve. Some of those Americans, obviously, have to be Members of Congress.

You would never know there was this problem based upon the inaction by Congress, by the Senate, and, until recently, the House over many years.

The one question I have to ask is, are we going to surrender to this uniquely American problem—because the inaction by Congress over many years now would indicate to me that the answer to that question is yes; that a lot of Members of Congress, House and Senate, have concluded that there is absolutely nothing we can do to reduce even the likelihood of another mass shooting or reduce the likelihood of more and more gun violence.

So here we are. The House has passed background check legislation that, as Senator MURPHY just outlined, is overwhelmingly popular with more than 90 percent of Americans who support it, and we are in day 113. It has been 113 days since the House passed it, and there is no action on the Senate floor. There hasn't even really been a debate of any kind here in the Senate on gun violence or what to do about it.

So consider that time frame and all the time that has gone by since. The one bill that dealt with this issue of gun violence that passed either House in probably 25 years is now 113 days from having any action in the Senate. So with no action on something as popular and as well-supported as that bill and on such an important issue as gun violence, I have to conclude that without any action here in the Senate, in this particular legislative graveyard, the Senate is surrendering to this problem. It is just letting this bill die in the Senate over time.

Among the many examples we could talk about, I will give you two examples from both ends of our State of Pennsylvania. In the city of Pittsburgh, we witnessed the deadly act of violence against the Jewish community. The worst act of violence against a Jewish community in American history was at the Tree of Life synagogue back in October, when a shooter opened fire on three congregations worshipping during Shabbat services. Three different congregations were worshipping at the same place. This deadly mass shooting—a targeted, cowardly, hateful attack on the Jewish community—resulted in the deaths of 11 innocent Pennsylvanians and injured 6 more, including 4 members of law enforcement. Eleven people were gone in a matter of minutes, and in this case they range in age from the ages of low fifties, I guess, to the oldest being 97 years old, if memory serves me.

While this attack was horrific for so many reasons, it is just one example of

the ongoing and systemic problem of gun violence across our country. It is an epidemic. I will say it. It is a uniquely American problem, and we are acting as if there is no problem at all here in the Senate.

Just consider this. Through the month of April, nearly 400 individuals have been shot in the city of Philadelphia. In many cases, if that doesn't lead to death itself, it leads to grievous permanent injury.

Just this past weekend in Philadelphia, there were 19 shootings in one city—19 shootings in one weekend with 5 deaths and 28 others wounded. One of the shootings occurred in a public park during a graduation party. Six people were shot and one was killed. They were all under the age of 25.

Here is what the toll so far is this year. This year the gun-related death toll in Philadelphia is 152—in one city. Needless to say, the national statistics on this—the national numbers—are staggering, in addition to the numbers I cited from Philadelphia. Gun violence affects more than 100,000 people every year, impacting their lives year after year in numbers like that.

On February 27, as I mentioned, the House passed H.R. 8, the Bipartisan Background Checks Act of 2019—113 days ago—but the majority leader has refused to call this bipartisan bill to the floor of the Senate. Shouldn't we even debate it? Is that really where we are—that this uniquely American problem of gun violence is not even worthy of a debate? We are looking for a vote, obviously, but is it not even worthy of a debate and then a vote?

We know that there may not be the votes in the Senate to pass this, but we are not even going to debate something on such an important issue? This is a piece of legislation supported by more than 90 percent of the American people. If you don't want to be for it, just tell us in the debate and register your vote. At least we will have debated the one bill that passed the House in 25 years. We have this one opportunity on one bill, and it is not even worthy of a debate here in the Senate.

I am a proud original cosponsor of the Senate version of the bill, the Background Check Expansion Act, because it is a type of commonsense legislation that makes Americans safe from the horrors of gun violence. In fact, expanding background checks is supported by more than 90 percent of Americans because they know—we all know—that background checks make our community safer.

Since 1994, background checks have prevented more than 3.5 million gun sales to dangerous criminals and others prohibited from owning guns. Yet these background check bills haven't seen the light of day since H.R. 8 was passed in the House. I will say it again: 113 days ago. They were sent to this legislative graveyard. I have to ask my Republican colleagues: Why don't you ask the majority leader to schedule just one debate? It could be a limited de-

bate. Then, let's have a vote up or down. I hope there may be a vote on some other measures, but at least let's debate and vote on a background check bill that passed the House of Representatives.

The time for talk about this issue and the time for lamenting the problem has long passed. We have to do something about it. That means debating and voting. That is what we are supposed to do here—debate big issues and vote. Vote how you want, but at least debate and vote on this issue, which will reduce the likelihood that we will see more and more tragedies like we have seen.

We are told that 100 people are shot and killed every day in the United States of America. One hundred people are shot and killed every day. We go not just days but weeks and months and now years without a single bill getting the kind of debate and vote that it should get and without a single bill passing.

At least let's get a start with this piece of legislation. Let's debate it and vote on it.

I yield the floor.

The PRESIDING OFFICER (Mr. SCOTT of Florida). The Senator from Maryland.

Mr. CARDIN. Mr. President, I want to thank Senator CASEY for his passion on this issue, and I want to thank Senators BLUMENTHAL and MURPHY for bringing us here together.

The logic here is inescapable. I can't explain to my constituents, nor can Senator CASEY explain to his, why the universal background check has not been on the floor of the Senate for a vote.

Let us do our will. This is an issue that we have talked about for years. The majority leader has refused to bring this up for a vote so that the will of the majority can prevail. That is what we are simply asking for.

It was in February of this year that the House of Representatives passed a bipartisan bill to deal with universal background checks. It passed by a large majority, and we now understand the urgency of our considering legislation.

Inaction is not an option. We have to do what we can to deal with the crisis at hand. What is the crisis? One hundred people are killed every day in this country by gun violence; 310 are shot, by the way; 210 are injured; and 100 are killed every day of the week, 7 days a week.

Since the House has acted on this bill, about 11,000 Americans have been killed. This is urgent. Every day makes a difference. In my State of Maryland, over 180 people have been killed by gun violence since the House passed the bipartisan universal background check legislation in February of this year. It is the second leading cause of death among children and first among African-American children. Rarely does a month go by without our having another mass shooting take place here in the United States.

It was 1 year ago, on June 28, in Annapolis, MD, at the Capital Gazette, that we saw the shooting that took the lives of reporters. At that time, I took the floor with others saying: What more does it take for us to debate gun safety in this country? Why can't we take up legislation and have a debate? Isn't that what our job is here in the Senate?

The Gun Control Act of 1968 established a framework for legally prohibiting certain categories of people from possessing firearms. The list of prohibited persons has grown over the years, but it includes felons, fugitives, domestic abusers, and those found by the court or other tribunal to be seriously mentally ill. I would hope that all of us agree that these individuals shouldn't have guns. How do you know that they are going to get a gun without a background check?

Since the Brady Law took effect, it has blocked more than 3 million prohibited gun sales and processed over 278 million purchase requests. The technology is there. We know how it works. We have the FBI run a background check. The National Instant Criminal Background Check System is there to see whether you have been a convicted felon or are a fugitive, a domestic abuser, or other prohibited purchasers. We have the technology. We know that background checks work at the State level as well.

According to the Brady Campaign, States that have expanded the scope of their background checks have seen impressive results, including that 53 percent fewer law enforcement officers are shot and killed in the line of duty, 47 percent fewer women are shot by intimate partners, and cities in States with expanded background checks have seen a 48-percent reduction in gun trafficking.

Does it solve the problem? No. Does it take a bite out of gun violence? Yes. It is a significant improvement in dealing with gun violence. It is part of the solution. Yet when the Brady Law was enacted, it was before the internet. America has changed, and our Nation's gun laws need to change with it.

Today about one out of every five gun sales is either made online, made privately, or made at a gun show and they are not subject to the background check which is the law. It is our responsibility to make sure that the laws are kept up-to-date and are effective. These sales are largely unregulated and unchecked. That is simply wrong. These sales can avoid the background check.

Passing legislation to expand background checks to nearly every gun sale, including those conducted online, at gun shows, and through private transfers should be a top priority in Congress for commonsense gun safety legislation to save lives.

I am not going to repeat the numbers that Senator MURPHY and Senator CASEY mentioned about the popular support. It is over 90 percent—97 per-

cent, the last poll showed—and by all categories, because it is common sense. In fact, I think the public has a hard time understanding why we haven't passed this long before now.

I agree that gun laws alone can't solve the problem, but it will make a difference. There is no single answer, but we should take steps that can help us deal with this crisis. Sitting on the sidelines is not an option when our children are being killed, sometimes by other children.

Surrendering to the false logic that the problem is too big to address falls well short of what the American people deserve and expect us to do. They sent us here to the Senate to make tough decisions. This isn't even a tough decision, but we have to make decisions.

From my hometown of Baltimore to many towns across America, there have been names in the headlines because of gun-related tragedies or mass shootings. People are calling on us to act. My message is simple: Let's bring the bill to the floor of the U.S. Senate. Let's follow the example of the House of Representatives. Let's not be the graveyard. Let's be the greatest deliberative body in the world. Let's take up the issue. Let's debate it. Let's vote on it, and let's do right for the American people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. KAINE. Mr. President, I rise to echo the comments of my colleagues on these bills that are pending here in the Senate.

I hold up the Calendar of Business for the Senate for Wednesday, June 19, 2019, which is today. On page 15 of the calendar, item 29 is H.R. 8, "An act to require a background check for every firearm sale." The status, which is listed in every Senate calendar, is "Mar. 4, 2019.—Read the second time and placed on the calendar." It is pending here before the Senate.

The next item, No. 30, is H.R. 1112, an act to amend chapter 44 of title 18, U.S. Code, to strengthen the background check procedures to be followed before a Federal firearms licensee may transfer a firearm. On March 5, 2019, it was read the second time and placed on the calendar.

In this body, we are not asking for something that isn't before us. No. The Senate calendar for today says these bills are before us. Yet one individual, the Senate majority leader, is keeping us from having a debate and a vote on these two matters. We could vote on it. Maybe we wouldn't have the votes, but we ought to be able to at least vote and be accountable to the American public for the positions on these issues.

I rise in the shadow of yet another tragedy in Virginia. Every Senator in this body has had tragedies like these. I know the Presiding Officer has suffered multiple tragedies in Orlando and Parkland. I was the mayor of Richmond when we had one of the highest homicide rates in the United States,

which had been driven by gun violence. I was the Governor of Virginia when the shooting happened at Virginia Tech. I was in the U.S. Senate when two Virginia journalists were murdered on live television by a disgruntled ex-colleague. Then, three Fridays ago, on May 31, in Virginia Beach, just as I had left the city after giving a talk there to a local bar organization, the news came about the shooting of 12 innocent people—11 city employees and 1 contractor who was at the city just to get a building permit—who had been gunned down, in this case, by an individual who had used weapons that had massive magazines—the 30-round magazines. They were the kind of magazines that were also at issue in the shooting in Parkland. This is why I take to the floor today.

In thinking about these tragedies in Virginia and the repetitive nature of them, when the shooting happened at Virginia Tech when I was Governor, I had always hoped that it would have been the worst shooting in the history of the United States. It is a weird thing to say about your own State. What a bizarre thing to say about your own State—that this tragedy had happened on April 16, 2007, and that I had hoped it would have been the worst shooting in history whereby there had been 32 people killed. Yet, at the Pulse nightclub in Orlando, 49 people were killed. In Las Vegas—and my colleague from Nevada is here—over 50 people were killed, and hundreds were injured.

There is an escalating nature to these. Our teachers now have to do live shooting drills because of school shootings. They didn't have to do that when they were going through ed schools 10 or 15 years ago. They have to hold practices with little elementary school students. A teacher was telling me the other day about what it is like at the beginning of the year to take a group of second graders into a restroom, which is their designated spot near their classroom. The teacher is then instructed to stand in front of the door so that if a shooter starts to shoot through the door, it will be the teacher who will be killed rather than the students.

The fact that we have normalized this and that we have practiced it is evidence of a sickness. Yet there are cures for sicknesses. These bills are cures for a sickness. We don't have complete cures, but they would make us safer.

As was indicated, the Federal background requirement has prevented 3 million people since 1994 from getting weapons that they shouldn't have had. Some of those individuals, no doubt, may have found weapons in other ways, but the moment people are turned away from getting weapons they can't have, society is safer on those days. Sometimes they are turned away, and they never get the weapons—3 million times. Yet, because of glitches and weaknesses in the background check system, too many people who have

been prohibited for decades from having weapons are still able to get them.

The New York Times recently did a study of 19 mass shootings in which the firearms that had been used had been bought legally after there having been Federal background checks—19 instances in which the firearms had been legally purchased after there having been background checks. It discovered, though, in looking at those 19 cases that at least 9 of the instances had been those in which the background check systems had had glitches and flaws so that the people were able to get the weapons even though they shouldn't have been able to. Let me give you just three powerful examples.

The young man who murdered 32 people at Virginia Tech was a student by the name of Seung-Hui Cho. He went to high school in Fairfax, which is not far from here. He had a serious mental illness. His counselors and teachers at his high school knew this young man. They knew his capacity and strengths, and they knew he had problems. They were able to wrap services around him so that he not only graduated but was a successful student.

Then he went on to a college campus that was 200 miles away, and all of that knowledge was locked up in his high school and didn't transfer to the college campus. He was then with a new group of 35,000 people. The folks didn't know him, and they didn't know of the challenges he had. They didn't know what it took for him to be successful, because he would have been able to have been successful if the right things had been done.

Over the course of his college career, he experienced increasing instances of mental illness and, at one point, was adjudicated by a local behavioral services board as being mentally ill and dangerous. That is one of the nine categories under Federal law. It is not just one's being mentally ill, because mentally ill people are, more often, the victims of violence rather than the perpetrators of violence. You have to be adjudicated mentally ill and likely be a danger to others. He was adjudicated in that way, and that prohibited him from getting a weapon.

The local court system failed to introduce the record into the national criminal background check system. So, a few months later, when he went to a federally licensed gun dealer in Roanoke to purchase the weapons that led to the mass atrocity, even though he was prohibited, the weakness in the background check system allowed him to get the weapons and carry out the murders.

I was able to fix some of this glitch by executive order when I was the Governor when what I really needed at the time from my legislature in Virginia was a commitment to universal background checks. The better the system, the safer we are. I could not get that from my legislature, but that was an instance in which, clearly, glitches in the background check system had led to this massive atrocity.

In Charleston, this deranged young man who had sat in on a Bible study, had worshiped with people who had prayed for him and who had later forgiven him, and had then used his weapon to murder nine people had acquired a weapon despite his having been prohibited. He had been prohibited under Federal law from having a weapon.

There is a part of the Federal law that is the subject of one of the two bills that is pending now before the Senate that says, if you are buying at a licensed gun dealer's and if the background check can't be completed within 72 hours, the dealer has to put the weapon in your hand even though you are prohibited from having the weapon.

In the case of Dylann Roof, they could not complete the background check within 3 days. The weapon was put in his hand, and he murdered these people as they were at a Bible study in the middle of the week. Again, there was a weakness in the background check system.

How sad they are, these shootings. They are sad however and wherever they occur—at a nightclub, at a school, at a corner in Richmond. We had the murder of a 9-year-old and the injury of an 11-year-old 2 weeks ago in a neighborhood park because of a driveby. Wherever it happens, it is horrible—but at synagogues and churches in Charleston?

You will remember the instance in Sutherland Springs, TX, in November 2017 when someone went into a church and killed 26 people. Again, there was a weakness in the background check system. The gunman had been in the Air Force. While in the Air Force, he had been convicted and sentenced to 12 months confinement and had had his rank reduced because he had assaulted his wife and had broken the skull of his infant child. He had had a bad conduct discharge from the Air Force.

With that adjudicated offense and with that discharge, he should have been prohibited from getting a weapon. Yet, in 2016 and 2017, he had purchased two firearms and had passed the Federal background check because the military adjudications had not been introduced into the system.

The two bills I mentioned that are on the floor would do two things. They would make the background check system universal. However a weapon is transferred—in a Federal gun licensing, in a gun show, or between relatives and whether for payment or as a gift—you must determine before the gun is placed in the hand of an individual whether that individual is allowed to have a weapon or is prohibited. That is the first bill.

The second one I mentioned would fix the Charleston loophole. It would establish that you don't just get the gun put in your hand if there is a glitch and it slows down the processing of your request. You have to be approved. There has to be a green light that says you are an allowed person before you get the weapon. To the extent that it

might take longer than 3 days, it is in the interest of public safety to make sure that the person who is getting the weapon isn't prohibited.

These measures are effective. The States that have gone to universal background checks can compare data pre and post, and they can compare their data with that of their next-door neighbors. The States that have moved to universal background checks have seen a reduction in gun violence. It is not the complete elimination. We are not able to do that. We didn't completely eliminate auto deaths when we required that there be air bags, but we have made people a lot safer, and that should be the standard here too. These laws are effective, and they are popular. Overwhelmingly, Americans support background checks.

Finally, this is not even, really, a new law. The NRA used to take the position that it didn't want new laws but that it wanted to enforce existing laws. The background check bill isn't even a new law; it is just the enforcement of existing laws. If you have a group of people who are prohibited from having weapons but the only way to enforce that is through a comprehensive background check system, then the way to look at these two bills is that these are bills that are necessary to enforcing existing laws that have been on the books since 1968 and with a bipartisan consensus.

We deserve a vote. These matters shouldn't just sit here on the Senate calendar day after day, week after week, and month after month without there being the opportunity to have a vote.

As I conclude, there was a time in the Congress when there was something called the gag rule—for decades in the 1820s and 1830s. I think my timing is right. There was, essentially, something called the gag rule. Petitions with respect to the abolition of slavery were not able to be debated, and I fear that this is what we have come to in this body with respect to these issues. We haven't had a meaningful debate and vote on the floor of the U.S. Senate about the scourge of gun violence since the debate and vote in April of 2013, which was in the aftermath of the shooting in Sandy Hook. It has been more than 6 years, and I think it is time to do it. The bills are pending on the calendar. We should have that debate and have that vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Ms. CORTEZ MASTO. Mr. President, I thank my colleague from Virginia for his eloquence and passion on this issue.

I have never talked to him about this, but there is one thing we had in common across the country when I was the attorney general for the State of Nevada and when he was the Governor of Virginia. It was the Virginia Tech shooting.

As the attorney general, after that horrific, horrific shooting, I wanted to

make sure that we were passing commonsense laws so that nothing like that could ever happen again. So, in the State of Nevada, when I was the attorney general, I introduced legislation to ensure that when our courts would adjudicate an individual who was mentally ill, the information would get to our law enforcement by way of a background check. We passed that legislation. Yet I am here to tell you that more needs to be done.

I agree with my colleague in that I would have hoped that the Virginia Tech shooting would have been the last that we would have ever seen in this country, but it was not. Almost 2 years ago, hundreds of people were wounded, and 58 were killed in my hometown of Las Vegas at the Route 91 Harvest music festival. It remains the deadliest mass shooting in modern American history. It is not something for which we would have ever imagined citing a statistic in the State of Nevada nor could anyone ever want that.

Two weeks after that shooting, I delivered my first official address on this Senate floor. My maiden speech, I called it. I called for action to prevent the next mass shooting. Among other things, I asked for universal background checks on firearms.

Americans support these virtually unanimously, and you have heard the statistics from my colleagues on the floor today—that 97 percent of them want sellers to look closely at who exactly is trying to buy a gun. Yet the Background Check Expansion Act, which is supposed to close loopholes on background checks, hasn't received a vote in this Chamber. Not only has it not received a vote, but we can't even debate it. We can't even come to the floor and debate the issues about which we know Americans across the country want us to do something. Not only have we not had a vote on the Background Check Expansion Act, but neither have we had a vote on dozens of other vital pieces of legislation that would make us safer.

I have sat here for the last 2 years and watched as the Republican leadership has been perfectly happy to have stopped the Senate from voting on these laws. In fact, I have heard, unfortunately, Senator MITCH MCCONNELL jokingly call himself the Grim Reaper, whose job it is to bury legislation. That is why we have this legislative graveyard. I will tell you that the American people don't think that it is funny. The mothers and fathers of children who have died as a result of gun violence aren't laughing, and neither is my hometown of Las Vegas—a community that is still healing from the pain of that night. It does not have to be this way.

In the State of Nevada, we have closed the loophole that lets private sellers skip background checks before they hand over a gun. I am so proud of my State. Voters in Nevada approved this commonsense reform in 2016 for universal background checks. Thanks

to our newly elected Governor Sisolak, Attorney General Aaron Ford, and other fierce leaders in the Nevada State Legislature, as well as the incredible people in the State of Nevada, we have finally made it law. This is just basic common sense. It is supported by Americans throughout the political spectrum and households with and without guns.

Listen, I support the Second Amendment. We own guns in my family. My husband is former Federal law enforcement. I come from a family of sportsmen. Throughout Nevada, we have friends who are sportsmen. But I will tell you, those Nevadans who are gun owners and almost every American agree we need to keep guns out of the hands of terrorists, violent criminals, domestic abusers, and others who may pose a threat to themselves or their communities. Nevada, with a strong western history of self-reliance and a culture of safe, responsible gun ownership, has done this.

It is long past time for the Senate to do what the House has done and what the American people demand and pass commonsense gun reform. The Senate majority leader must stop putting a roadblock in the way and let us act. At the very least, let us have a debate and move this issue forward—a debate the American people want us to address and an issue they want us to find a solution for.

Listen, we can't take back what happened that day in Las Vegas or Orlando or Sandy Hook or Charleston or so many cities and towns all across this Nation that are scarred by mass shootings and daily gun violence. We can't heal the pain of those whose friends and family members were killed. We can't erase the trauma so many survivors continue to endure. But we can save lives in the future, and isn't one life saved worth it? Isn't one life saved worth it?

So I ask all of my colleagues, let's stop the delays and denials and excuses, and let's pass this bill. Let's bring back to the floor of the Senate the time for debate on important policy issues that address the problems we see in this country. At the very least, let's save a life.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

SYRIA

Mrs. SHAHEEN. Mr. President, I am here today with my colleague Senator GRAHAM to express my profound concern about the humanitarian tragedy that is currently unfolding in Idlib and northern Hama in Syria.

It is hard to imagine that after 8 years of war, the greatest humanitarian disaster in Syria might still be before us, because clearly what we have seen in the past 8 years is a horrible humanitarian tragedy, a civil war that has involved, really, international players and that has led to the deaths of hundreds of thousands of Syrians and to the displacement of millions

more. But with the escalated attacks that have occurred since late April, the Syrian regime and its Russian and Iranian allies are threatening a population of approximately 3 million there in Idlib. Of those 3 million, 1 million are children. This is a region that is strained by hundreds of thousands of internally displaced people who have already fled from Assad's forces in other parts of Syria and neighboring countries. Just last Thursday alone, observers counted over 50 airstrikes in this region from early morning to early afternoon, and that was on top of artillery-shelling that was going on.

Last December, Senator GRAHAM and I came to the floor to warn about the dangers of President Trump's decision to withdraw U.S. troops from northeast Syria. I felt very strongly about that because last summer I had a chance to travel with Senator GRAHAM to Syria, and we saw the important work that the Combined Joint Task Force-Operation Inherent Resolve and its Syrian partner forces were doing there. We saw communities like Manbij city that had recovered after 3 years of occupation by ISIS. We saw that Syrians were returning to that northeast region of Syria where it was peaceful, and they were growing crops again. We visited the market. We walked around without any fear that terrorists were going to bomb us.

Local multiethnic residents saw the positive presence of U.S. troops and the value of U.S. global leadership. In fact, as we drove down the road and went by children, they flashed a "V" sign for "victory" when they saw it was the U.S. military.

Together with our partners, the Syrian Democratic Forces, we made significant gains against ISIS, but that progress, sadly, is not guaranteed. Unfortunately, what we are seeing now in Idlib is the result of a confused U.S. strategy in Syria.

When I spoke on the floor here in December, I warned that a hasty and ill-informed withdrawal could embolden ISIS and threaten the gains that U.S. partners have made. We discussed the fact that it would also cede the accomplishments of U.S. forces and our allies to Assad, Russia, and Iran.

What we are seeing now in Idlib and northern Hama is Assad's and his foreign supporters' military solution. We are seeing indiscriminate bombing and shelling that destroys schools and hospitals and that sets fire to farmers' fields. The latest surge in violence has killed dozens of people. It has destroyed thousands of acres of crops. It has forced another 300,000 people to flee their homes.

I would urge President Trump to listen to his military and diplomatic advisers and to recognize that an absence of U.S. leadership in Syria would give a free hand to Assad and to his Russian and Iranian allies, because clearly they are not our allies.

The people of Syria face danger at the hands of ISIS and of their own government. Unfortunately, they have



very few options left, but what they do have is the voice of the international community, and it is now up to us to stand against the carnage in Idlib once and for all.

I urge President Trump to use U.S. leadership to oppose the humanitarian disaster that Syrian and Russian forces continue to create in Idlib and northern Hama and to work with our allies to truly bring an end to this civil war and this disaster that has been created, the humanitarian disaster that has been created.

I yield to my colleague from South Carolina.

Mr. GRAHAM. Mr. President, I want to compliment Senator SHAHEEN for doing her homework on Syria—traveling, understanding the strategic implications of losing in Syria for the United States and our allies.

In New Hampshire and South Carolina, there is not a lot of talk about Syria. It is not that people don't care; it is just that we have our plate full here at home with all of our needs in our own backyard. The thing I can tell people throughout the country: You ignore these problems at our own peril.

The wave of refugees that came out of Syria when the civil war first began is going to replicate itself—or I guess we can all sit on the sidelines and watch 3 million people be killed. I hope we don't do that.

Idlib is a province in northwestern Syria. The opposition is basically in a corner near the border with Turkey. Assad, with the help of Iran and mostly Russia, is trying to break their will and literally destroy them.

Within this group of people—about 3½ million—there are some really hardcore al-Qaida types—Al-Nusra, all kinds of names associated with the groups—but they are radical Sunni Islamists, and they would bring ISIS back roaring. We don't want them to win the day, and we sure as heck don't want Iran to control Syria.

I think it would be a huge mistake for the United States to let Assad prevail in this war, and let me tell you why: It never ends with him. Every radical Sunni Islamist group in the world will use Assad's presence in Syria as a recruiting tool. He is a proxy of Iran. Without Iran, there would be no Assad. So you create a great recruiting opportunity for radical Islam if you let Assad prevail.

On multiple occasions, our country has said Assad must go. Why? Because he is a war criminal. He has lost all legitimacy. Russia will have basically trumped the United States—no pun intended—in the backyard of the Middle East, Syria.

President Trump, to his credit, changed his decision to withdraw all forces in northeastern Syria and have a holding force with more international involvement to prevent ISIS from coming back in the Manbij area, making sure that Iran doesn't come down and take over, with Assad, that part of Syria and that Turkey doesn't come

into northeastern Syria to deal with the Syrian Democratic Forces, the Kurdish elements of the YPG.

A small American contingent force has brought some stability to northeastern Syria. Our Kurdish allies who stepped up to the plate feel like they are in a better spot—we have to realize that Turkey has a legitimate concern about the YPG elements—but to keep everybody apart and make sure ISIS doesn't come back.

Nobody is talking about Idlib. President Trump, to his credit, did tweet on June 2—just a few weeks ago—“Hearing word that Russia, Syria and, to a lesser extent, Iran, are bombing the hell out of Idlib Province in Syria, and indiscriminately killing many innocent civilians. The World is watching this butchery. What is the purpose, what will it get you? STOP!” Good tweet.

The only way it is going to stop is for Russia and Iran to pay a price for helping Assad. It is Russian jets with Syrian jets that are indiscriminately bombing civilians in Idlib.

If Idlib falls and these people flush out of Syria, you are going to have another wave of refugees coming to Turkey, which is saturated, and eventually Turkey is going to open up the floodgates back into Europe, and we are going to repeat this all over again.

To my European friends and allies, you have been reluctant—except the French and the British—to help us in northeastern Syria with a holding force. How many times do you have to see the same movie to understand we need to do something different?

What do you tell the European population? That we don't have the will to put a few thousand troops in Syria to make sure that we are not flooded in Europe with people fleeing for their lives? It just never ceases to amaze me how quickly we forget the lessons of the past.

As to Idlib, they have broken the agreement we had. Turkey, to its credit, has been trying to find a political solution in that part of Syria.

Senator SHAHEEN and I both know that the only way you end this war is through a political negotiation in Geneva. By having some American forces with our partners in northeastern Syria, we have leverage over the outcome. If we could stand Assad down in Idlib, we would have more leverage to allow the Syrian people to heal their own country.

As these attacks escalate—and they will—the President and his team, in conjunction with the civilized world, needs to come up with an Idlib plan.

What I want to do with Senator SHAHEEN is come up with some sanctions or some policies directed at the impending disaster called Idlib. I want us to put on the record our objection to what Russia, Iran, and Assad are doing and try to craft some consequences and actually work with the administration to stop what will be inevitable if we don't send the right signal, which will

be the slaughter of hundreds of thousands of innocent people, a new wave of refugees, and putting radical Sunni Islam on steroids, because they will come to the fight if you don't.

So here is your choice, to the free world: If you don't get involved in Syria and try to end this madness, radical Sunni Islam will gladly take your place, and that is not a good outcome. There is no winning in that situation. If Assad wins, we lose. If the radical Sunni Islamist al-Nusra types win, we lose.

The good news is, the best way to win is to help the Syrian people. The Syrian people don't want to be dictated anymore by Assad, which is how this all started. They are tired of living under his control. They are not radical people by nature. They are not turning to ISIS as the answer to Assad. Give them a choice. It is in our interest to be involved to some extent.

We are not the world's policemen, but we are the glue that holds the world together, and Syria can be put back together only through peace negotiations where the parties have some leverage over their adversaries. It is not just a humanitarian crisis in the making. This is going to change the balance and the power in Syria and the Mideast in a very bad way. You are going to have a never-ending conflict between Iranian proxies and radical Sunni Islamic groups in Syria unless you defang both. Doing nothing sounds good on paper, until you realize what happens when you ignore a problem.

I will end with this. On September 10, 2001, America did not have one soldier in Afghanistan, not one dime of aid to Afghanistan. We didn't even have an ambassador to Afghanistan. We just watched as the Taliban took over. They put women in soccer stadiums and killed them for sport because they wore the burka too short, and they blew up statues of Buddha. We were under the illusion, well, that is their problem, not ours. Well, it eventually became our problem because the people doing this stuff to women and religious artifacts of other cultures are compelled by God to deal with us.

If you think leaving them alone ends this conflict, you don't understand what the conflict is about. They are driven by a religious ideology that has no place for anybody in this room, our friends in Israel, or moderate Muslims. So you can deal with them now or you can deal with them later.

Assad is in a different category but is just as evil and uses the same kind of butchery. I am here to tell you—to Europe: You had better up your game when it comes to Idlib because you are going to pay a heavy price.

To the Trump administration, I really appreciate what you have done in northeastern Syria. I appreciate the tweet of the President on June 2. But we have to do more than tweet. We, in

the Senate, need to offer some assistance to the administration and our allies, and, working with Senator SHAHEEN, we will try to find a way to move forward. I appreciate her interests.

There is not a whole lot of upside in talking about things like this in modern American politics. But you are always going to be viewed well by history when you address a problem, when you stand up against evil, and when you try to do something about it. It may not be popular for the moment, but time will prove you right.

I thank Senator SHAHEEN.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. ERNST. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VA MISSION ACT

Ms. ERNST. Mr. President, one of the most sacred promises our Nation makes is our pledge to care for our men and women in uniform when they return home.

When it became clear that the VA was falling short of that standard, I am proud to say that we here in the Senate put politics aside, rolled up our sleeves, and actually got to work.

The result was the VA MISSION Act, a bipartisan bill that aims to ensure our veterans are receiving the quality care they have earned and deserve. I was honored to have been on hand in the Rose Garden representing Iowa, its veterans, and its military families, as President Trump signed this bill into law.

This month, the more than 200,000 veterans across Iowa will begin to see the benefits of those reforms as the VA begins to implement the VA MISSION Act. That is because one major focus of the bill was to make sure it would help the VA do a better job of taking care of our veterans in rural and underserved areas.

Toward that end, one significant reform that is going into effect this month aims to allow rural or disabled veterans to receive care from the comfort of their own home by increasing telehealth and telemedicine services provided by the VA. This was a provision I pushed for, starting with my VETS Act, and I am so glad it made it into the final package.

You see, we in Iowa know that rural and disabled vets face an even harder uphill battle when it comes to getting quality healthcare. This is because doctors aren't right down the street or a short drive away. These folks have to drive many miles just to see a caregiver and sometimes many more for followup treatments or procedures.

The law includes a lot of other great reforms. It expands VA caregiver benefits to pre-9/11 veterans. It takes steps to modernize VA facilities, increases

resources to hire more providers, and helps ensure prompt payment to community providers. It is just another example of how, despite what folks may see on television, the Senate is passing legislation that is making a positive impact on Americans' lives.

Our veterans have selflessly sacrificed in defense of our freedom and our great way of life. They deserve nothing less than the benefits they were promised and better access to quality care.

With the VA MISSION Act, the Senate has given the VA the tools it needs to work toward keeping that promise. I am so thankful for the other Members who will be joining me here today on the floor to talk through the successes of the implementation of the VA MISSION Act.

Of course, a strong leader who brought this bill over the finish line is the chairman of the Veterans' Affairs Committee.

I yield to the wonderful Senator from the great State of Georgia, JOHNNY ISAKSON.

(Mr. PERDUE assumed the Chair.)

Mr. ISAKSON. Mr. President, just for the record, a staff sergeant just addressed a lieutenant colonel. She is beautiful, and she is also very smart. I am glad to be in the military with her. I am glad to have served our country and proud of the service she has given our country and the service she gives to the U.S. Senate and the great State of Iowa.

As chairman of the Veterans' Affairs Committee, I have had a great experience the last few years pretty much lined up with what Senator ERNST said.

When we got here 4 years ago in the Senate and took this committee, the VA was a mess. Veterans services were not being met. There was story after story of veterans not getting appointments kept, the wrong tooth being pulled, the wrong leg being set, the wrong disease being treated. Lots of hospitals had sanitation problems. There were just a whole lot of things, and I said "What have I gotten myself into?" because I came here to go on the committee and try to help our veterans get better healthcare. Instead, I thought I was presiding over the end of healthcare.

So we all set our minds—Senator ERNST and I, Senator PERDUE in the Chair now, and Mr. SCOTT from the great State of Florida—all of us rallied and said: We are going to make this right. We are going to go on a mission. Our mission is to make the VA work and make it work for our veterans. We are not going to take no for an answer.

On the 6th day of June, a week and a half ago, we all celebrated the 75th anniversary of D-day. But it was the first anniversary of a renewed VA—a VA on a mission. I am proud to tell you now that on the first anniversary of the VA MISSION Act, which passed last year, we have fewer complaints, more compliments, better reserve, and better outcomes. We are working toward see-

ing to it that we have the best possible healthcare we can have for our veterans.

I am glad to join Senator ERNST and the other Senators who will speak about the promises of the VA system now being met for those who have sacrificed and risked their lives for us, being sure they are given the healthcare they want. We are doing it by applying the right types of principles and the right type of can-do attitude.

Care in the community, which is a major portion of the MISSION Act, was the most important part. Care in the community is basically all of the services we put together to make healthcare accessible to our veterans. We were having a problem with veterans getting appointments within 30 days of making the appointment. We were having trouble with veterans who live more than 40 miles from a VA hospital or VA CBOC to get appointments in time in the system. We have had problems with certain rare diseases and difficult problems only from the types of warfare we are in today with IEDs and things like that to get the right doctors with the right veterans at the right time.

Then, we had the problem of America being a country spread out all over the place, 48 contiguous States from Montana to Florida. A lot of doctors have to be utilized to get care to the veteran. It is the same thing with Hawaii, the same thing with Alaska.

But we put the whole thing together in a care in the community package, which started during last year and now is in full swing, and I am proud to tell you—and I am sure I am going to regret saying this—but we didn't have a complaint in the first week after the inception last year about the system failing to work.

The access standards have been looked at and improved. We took the mistakes we made a year ago and put the answers in place, solutions in place. We did everything we could to make our mission a winner for the veterans, and we did. I am here today to join my other colleagues who are going to speak about the MISSION Act and about our veterans. We are very proud that we took the challenge to see to it that something we had promised them years ago—our vets—works and worked better for them, and we will continue to keep that pledge in the years to come.

We owe no greater obligation than we do to those who served our country in the military. Our obligation is to see to it that what we promised them when they joined is what they get when they are in the veteran status. As long as I have the ability to serve in the U.S. Senate and as chairman of that committee, I will remain committed and remain on a mission to see to it that we make that a reality for all of our veterans.

With that said, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I am pleased to come today and join my colleagues to highlight the VA MISSION Act—legislation we passed to provide our veterans with access to health and long-term care closer to home. This month, I had the opportunity to join a Senate delegation in Normandy for the 75th Anniversary of D-day. We had the honor of meeting with some of our veterans who landed on the beaches of Normandy, and we were reminded, once again, of the tremendous sacrifices our Nation's veterans have made to preserve our way of life and keep our Nation free.

Given their service and sacrifice, the least that our Nation can do is uphold its commitment to provide our veterans with the healthcare they have truly earned. Over the last year, we have been working with the VA to ensure that the MISSION Act is properly implemented so it truly benefits our veterans. This bipartisan legislation not only strengthens the VA's ability to provide care for our veterans, but when the VA is unable to do so, it gives our veterans more options to seek care in their home communities. This has been a top priority for veterans in my home State of North Dakota and across the country.

The VA MISSION Act removed the arbitrary 30-day, 40-mile eligibility requirement that prevented veterans living within 40 miles of a VA facility from being eligible for care in their home community. Now, when a VA Medical Center or community-based outpatient clinic isn't able to provide the services a veteran needs, our veterans are able to access healthcare services in their local community.

Additionally, the VA MISSION Act contains provisions from the veterans access to long-term care and health services legislation I had introduced, which allows non-VA, long-term care providers—so now long-term care providers, nursing homes and others—to enter into veterans care agreements with the VA. These agreements will help cut through the bureaucratic redtape at the VA and help veterans access nursing home and other long-term care in their communities, including home-based care services—again, providing not only healthcare but long-term care to our veterans closer to home, in their home communities and closer to their loved ones.

We are continuing to work with the VA and long-term care providers to ensure that providers that want to treat veterans are able to do so without unnecessary burdens, meaning without additional inspections, without additional redtape that in some cases,

causes our long-term care providers—whether it is nursing homes or in-care providers—to not accept VA reimbursement. This makes sure that they can take VA reimbursement and that the rules and requirements are the same as if they are taking Medicaid or Medicare reimbursement. This is very important for our veterans, but it makes sure that we streamline the process so those nursing homes or those home-based and community-based services in a community provide those services to our veterans and take VA reimbursement to do it.

Our veterans have sacrificed so much for our Nation, which is why we continue working to implement the VA MISSION Act properly and ensure it meets our goal—meets our goal of providing veterans access to healthcare and long-term care closer to home.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, having served in the Navy and as a Marine Corps officer, I am sensitive to the many challenges facing our veterans. The VA was established almost 90 years ago, so when the VA MISSION Act was passed, it was time for a wide-scale reform to modernize and improve the system.

I was proud to support and vote for the VA MISSION Act, which was signed into law 1 year ago this month. This new program could dramatically change the way our veterans receive care. For the first time, veterans can walk into a local urgent care clinic, like most Americans can—as long as it is in network—and receive care that day, at no cost to them, up to three visits per year. They can even get a flu shot now at urgent care rather than having to visit the VA for such a simple procedure.

The VA MISSION Act is already at work back home in Indiana. In fact, a Hoosier veteran recently approached me while I was traveling throughout the State, and he said there was an appointment he could not get scheduled with the VA until August or September. Now, we had this conversation some weeks ago, but when the VA MISSION Act went into effect at the beginning of this month, he tried again, and he was able to get an appointment right away. So I am sure this is just the first of many positive stories I am going to be hearing as I travel around the State in coming days and even years to come.

It is also important that we in Congress listen to those whose experience with the VA has not improved. If there is a part of this act that isn't working or isn't being implemented as intended, then we have to revisit it. We have to work with the VA to get it right—removing barriers within the system and streamlining access to care. This is going to help veterans of all eras live happy and healthier lives. So that is what matters the most.

I will continue to fight for the proper care and treatment of our veterans because they deserve nothing less.

I yield back.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I am pleased to join my colleagues today to show our continued support for improvements to the VA Community Care Programs. Last year, under the leadership of Senate VA Committee Chairman ISAKSON and Ranking Member TESTER, we passed the VA MISSION Act so veterans would have access to healthcare and services in their own communities.

I was proud to support this landmark legislation that improves how VA delivers healthcare. Earlier this month, the VA rolled out the Veterans Community Care Program. The VA MISSION Act offers veterans more options to better support their needs no matter where they live. This allows a veteran and his or her doctor to decide where it is best for the veteran patient to receive care, taking into consideration the veteran's healthcare needs and the availability and location of both VA and community care.

For veterans who live in a rural State like Arkansas, this is especially good news. Arkansas veterans can be proud of the VA facilities in our State. The VA hospitals in Little Rock and Fayetteville and those in neighboring States provide quality care and service for our veteran population. The challenge is, these are located in more urban areas.

The community-based outpatient clinics, known as CBOCs, make healthcare more accessible to veterans in rural areas, but if a veteran needs more advanced care than a CBOC can provide, it can mean a full-day trip to the nearest VA Hospital. The reforms to community care will allow more veterans to avoid that extended travel time and enable them to receive quality care within their own community.

This program expands access to more local doctors and urgent care within the VA's contracted network. Our Nation's veterans were promised access to healthcare for their service and sacrifice. The program continues our work to uphold that pledge.

The VA MISSION Act improves the VA's ability to hire high-quality healthcare professionals, expands VA caregiver benefits to veterans of all generations, and creates a process to evaluate and reform VA facilities so they can best serve veterans.

It is evident that under Secretary Wilkie's leadership, his team has been focused on executing a complete plan to implement this program and minimize any negative consequences our veterans might face as we transition to the new and updated Community Care Program.

The VA has been proactive in educating veterans about the reforms and eligibility requirements with a variety of sources of information about criteria for the new community care.

The Department has provided training to VA employees across the country on the updated criteria. Its initial outreach included talking to healthcare providers also about the changes.

There are still parts of the VA MISSION Act that have not yet been enacted, but so far, I am pleased with the rollout. My colleagues and I on the Senate VA Committee take our oversight responsibility very seriously. We will continue to closely follow the implementation and be ready to fix issues that may arise along the way so we can be sure that benefits are delivered as they were promised. The responsibility to ensure funding for community care programs falls to the Appropriations Subcommittee on Military Construction and Veterans Affairs.

As the chairman, I will continue working to fully fund the expansion of community care, and I look forward to support from my colleagues to provide the necessary resources to ensure this program's success.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Mr. President, my hometown of Jasper, IN, sits in the county with the most veterans per capita in the State. My father was a tail gunner on a B-17 himself, and I will never forget the lesson he and my community impressed upon me of honoring those who have served so effortlessly and selflessly.

Providing for the health and well-being of the men and women who have sacrificed so much for our country is the least we can do, and it ought to be one of the things we can all agree on in this Chamber.

When the Trump administration took over, the VA had been in dire straits for many years. The passage of the MISSION Act represented a great stride toward improving access to quality healthcare services for our vets and, especially, a great step for Hoosier veterans.

A few of the valuable provisions for Hoosier veterans in the MISSION Act include these: replacing the mileage requirement with a drive time requirement; greatly expanding access to care for Hoosier veterans who report to VA hospitals in bigger cities like Chicago, Indianapolis, Louisville, and Cincinnati; reducing the maximum wait times and reducing the strain on smaller VA facilities that may not have the resources or specialties available to serve patients in a timely manner; implementing a new urgent care benefit so veterans can now utilize urgent care and walk-in facilities from providers in the VA network without prior authorization; and a big win for access to care for Hoosier vets, allowing veterans to seek out community care if the VA medical service line is unable to meet quality standards.

Before this legislation, Hoosier veterans not receiving proper care would have nowhere else to turn. The MIS-

SION Act offers Hoosier veterans better choices, better access, and better care.

As we reflect on the sacrifice of our servicemen and servicewomen this upcoming Fourth of July season, we must also remember our commitment to them once they return from the field of battle. We have made great strides in improving access and quality for veteran care in the last 2 years, and the MISSION Act is a big win for Hoosiers and all American veterans.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. DAINES. Mr. President, 1 year ago, we came together not as Republicans or Democrats but as Americans. We passed a major milestone for our veterans. The bipartisan VA MISSION Act brought us a step closer to fulfilling our obligation to care for our men and women who serve in uniform.

In Montana we have one of the highest veteran per capita populations in the United States, and the issue of access to veteran healthcare is one that I hear across every corner of our State.

My dad is a U.S. marine. I am proud we were able to get this important bill signed into law. The VA MISSION Act will help fix many of the problems plaguing the VA Choice Program. The veterans across our rural communities in Montana will have greater and more convenient access to care. Telemedicine services will be strengthened to accommodate those who live a long ways away from traditional hospitals or health clinics. Oversight of opioid prescriptions will be strengthened. There will be greater accountability in how companies manage this new program.

It will help fill the VA's medical professional shortage through scholarship and loan repayment programs for medical and dental students who commit to serving in the VA. The MISSION Act was an important step forward, and I am proud to have helped get this bill across the finish line and onto President Trump's desk.

Now we must hold the VA and the program administrators accountable for ensuring the MISSION Act works for our veterans. I will be in constant contact with local VA leaders and veterans themselves to get firsthand feedback as this is implemented.

As we celebrate this important milestone, we must not slow down our efforts to continue to improve our veterans' healthcare. I look forward to continuing to work on behalf of our veterans and build off the good work that was accomplished here last year. We must ensure that veterans in Montana and across our Nation receive the care they have earned. I am honored to fight this fight for the brave men and the brave women who served in uniform.

Thank you.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

JUNETEENTH

Mr. LANKFORD. Mr. President, I rise today to talk about Juneteenth and the VA MISSION Act.

The VA MISSION Act is a remarkable transition that is happening right now in VA centers across the country, but I need to pause for just a moment in recognition of today's date.

Today, as many people here in the Senate know—and if they don't know, they should know—today is June 19. In the South today, we recognize it as Juneteenth.

The Emancipation Proclamation was signed by Abraham Lincoln on January 1, 1863, but it took 2 years for that information about the emancipation of the slaves to reach multiple areas of the South. The date that was officially recognized was June 19, and that is the day we recognize each year—June 19—as Emancipation Day. In Oklahoma, in my great State, it actually didn't reach us until June 14, 1866—almost a year after it reached Texas. That is how long communication took at the time, to get the information.

It is a remarkable thing to think about. One hundred and fifty-four years after emancipation reached the Southern States and the word of that reached them and after the end of the Civil War, we still as a nation pause on June 19 every year to remember how horrible it was to treat humanity as property. May we not forget where we were so we never get close to that again.

VA MISSION ACT

Mr. President, I also came to talk about the VA. In 2014, a scandal broke at the VA in Phoenix, and the entire Nation paused for a moment and saw what was happening at the Phoenix VA and saw how broken the healthcare system was.

There have been some very significant changes since that time period. The Veterans Choice and Accountability Act was passed, giving veterans the opportunity to get access to healthcare if it was backed up and slow at their own VA health center. If they couldn't get there within 30 days to see someone, then they would have the opportunity to see someone in their local area. If it was a long distance to get there, they weren't required to drive long distances from rural areas to get to an urban VA center. That passed with the Veterans Choice Act, and that was the beginning point of reform in the VA centers.

There were lots of problems in the Choice Act in the very beginning—getting access to doctors, doctors getting paid. How far is the distance? Is it based on mileage on the road, or is it as the crow flies? There were all kinds of things that got worked out in the first year or so. Within the first year, we started seeing veterans getting access to care closer to home and faster, but early on in that success, we also realized there was a need for major changes.

Not long after that, this Congress passed reform to hiring and firing at

the VA, giving authority to supervisors at the VA. If someone was not taking care of our veterans, there was a faster path to review this person, evaluate this person, and, if they would not change their behavior in the workforce, to be able to release them.

That special authority was given to VA centers all across the country just a couple of years ago, and the VA centers have used that to dramatically change the face of the people taking care of our veterans. Across the country, multiple individuals who were not putting veterans first have now been removed from VA centers, including those in Oklahoma. People who are passionate about taking care of veterans were put in those spots.

Just 1 year ago this month, Congress, along with President Trump, prioritized veterans again by passing the MISSION Act. The MISSION Act takes the Choice Act from a couple of years ago to the next logical step. It gives veterans the ability to have streamlined access to community care programs. They can still choose to go to their veterans centers, and many veterans choose to do that. They want to go there. They like their physician and their nurses and the process they go through there. But some of them want to go to a physician in their community. Maybe their spouse or kids go to that same physician, or maybe it is a family physician whom their family has known for a long time. Instead of being required to head to a VA center, they have the option to get care in their own community.

Also, if they need a specialist and the veterans center doesn't have that specialist close to them, they can get access to the specialist in an area that is close to them.

I will never forget the day that I dropped by one of the veterans centers in Oklahoma. I dropped by on a Sunday. Quite frankly, I wanted to meet the veterans and knew that none of the administration would be there and that I could just talk to the folks in the hallway and there wouldn't be the pomp and circumstance of a Senator walking up and down the halls. So I got a chance to visit with the veterans and see how they were doing and how their care was going.

As I walked into one of the rooms and introduced myself and asked a veteran how his care was going, he said: My care is going great. My doctors are terrific.

I said: Is this your first time in a veterans center?

He said: No. I have been in one before, but it wasn't here; it was in Seattle.

I said: Did you live in Seattle?

His response was: No, I didn't live in Seattle. I live here in Oklahoma, but I needed a certain type of cancer care, and the VA said that to get that specialty cancer care, I had to go to Seattle, to that veterans center, to get it.

My next question was obvious: Did your family get to go?

He hesitated, and then he said: No. I was in cancer treatment for 6 weeks by myself because the VA wouldn't cover my family to go there.

So a veteran who served us, who had to be away from his family, in service, multiple times then had to be away from his family again when he had cancer treatment. Why in the world would we do that when in Oklahoma, we have the Stephenson Cancer Center? One of the top cancer hospitals in the country is right in Oklahoma City. We have great cancer care in Tulsa. We have some phenomenal facilities that could have taken care of that veteran, and his family could have participated with him so he would not have been separated at one of the most traumatic moments of his life. Guess what. With the passage of the MISSION Act, that will never happen again. Specialty care like that can be done locally. When there is a great specialist nearby, they can get to that specialist nearby.

The MISSION Act really is a sea change in how we make sure the promise to our veterans is being maintained. It is not about putting all veterans in all cases of all care in a veterans center and saying: That is where everybody has to go. It is going back to the veteran and saying: What would you prefer? What is your preference? What is best for your treatment?

What is best for their treatment may not be the VA center there; it may be a highly skilled, highly prepared, quality set of doctors in a nearby specialty center for diabetes or cancer. This allows them to do that.

I do commend our veteran care centers in Oklahoma. There are some great leaders there who are working very hard. With the transition in personnel that has occurred in the last couple of years and the hard decisions that have been made, they have put in some really top-notch folks. I am proud they are in my State and in the way they are taking care of our veterans.

As we implement the MISSION Act in the days ahead, my hope is that we continue to give veterans the opportunity to make choices about their own care, that we continue to achieve stronger skill sets in the areas of care needed for our veterans, and that VA centers will be places where the highest quality of care will be given with regard to veteran-specific issues. So when a specialist is needed and maybe that specialist is not available at the veterans care center, veterans will still be able to get the best care they possibly can.

I look forward to the regulations continuing to be rolled out, as they are rolling out right now. Most of all, I look forward to looking our veterans in the face when asking "Are you getting the care you need?" and hearing their answer of "yes." That is what I look forward to.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. DAINES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DAINES. Mr. President, I ask unanimous consent to engage in colloquy with my Senate colleague.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Mr. DAINES. Mr. President, I am here today to discuss an issue that is very important to Montanans, folks across the Nation, and many of my colleagues here in the Senate, and that is the Temporary Assistance for Needy Families Program, commonly known as TANF. That is our Nation's cash-assistance and services program for low-income households with children.

I am joined today by my esteemed colleague and my friend, the Senator from Iowa, Mr. GRASSLEY. I have the privilege of serving on the Senate Finance Committee, chaired by Senator GRASSLEY, which has jurisdiction over TANF. Chairman GRASSLEY, like me, knows how important it is to ensure that this program is working as intended and that it is helping families move into jobs and toward self-sufficiency. Of course, it was Chairman GRASSLEY who helped bring about the last significant reform to TANF in 2006. I am glad he is leading the committee as we try to pass meaningful reforms again this year.

We are here today because we cannot ignore that Congress is about to do a straight continuation of funding of TANF for the 39th consecutive time despite the fact that this program needs reform.

TANF, created with bipartisan support in 1996, was a huge success for the American people. Let me say that again—with bipartisan support. After TANF became law, welfare caseloads plummeted, child poverty declined, and employment among low-income parents actually went up. TANF recognized that finding and maintaining a job is the most effective way for families to go from government-dependency to self-sufficiency.

However, more than 20 years after these historic 1996 reforms, Congress has neglected to act on the loopholes that hold States accountable for work requirements. In fact, today, very few States, including my home State of Montana, are meeting the work participation rate that is required by the law. The law calls for 50 percent of welfare enrollees to be engaged in work, but in Montana, they are only reaching one-third of that.

Many States are also using TANF dollars for purposes unrelated to work. States need to be providing families with the support they need, and that is why I am taking action. That is why I introduced legislation earlier this year—the Jobs and Opportunity with Benefits and Services Act, better

known as the JOBS Act—to reauthorize and modernize the TANF Program.

The JOBS Act would help our low-income families find work and have every opportunity to climb the economic ladder. It would require State caseworkers to engage with jobseekers to help them not only find a job but then to keep that job.

My legislation takes into consideration all aspects of a person's life, including mental health, drug addiction, and alcohol addiction. It also increases resources for childcare to refocus dollars back to supporting work.

Congress should be working to help families thrive in this growing economy. In fact, right now in the United States, there are 7.6 million new job openings. In fact, right now in the United States, job openings outnumber the jobseekers. As employers are looking to hire, we need to close the jobs gap and ensure that the Americans who need them most are filling them. This is an opportunity for mobility—to step toward the American dream.

Chairman GRASSLEY, would you agree with me that TANF is no longer meeting its welfare-to-work potential, and would you commit to working side by side with me and other supporters on modernizing TANF to bring about the reforms this program desperately needs?

I yield to Senator GRASSLEY, the chairman of the Senate Finance Committee.

Mr. GRASSLEY. The short answer to your question is yes, but I would like to give a longer answer, if I could, and give you my perspective of TANF.

TANF is an acronym for the Temporary Assistance for Needy Families Program, which was created almost 23 years ago to provide help to low-income families with children in order to promote work and to strengthen families.

The creation of TANF sent a very clear message: People receiving help from the taxpayers should be expected to work, to prepare for work, or to take steps to become more self-reliant in exchange for having the taxpayers help you through difficult times in your life. TANF also sent another message, this one to our 50 States: In exchange for this funding, States must help people find work, prepare for jobs, or do other things that will help families get back on their feet.

Besides Senator DAINES' mentioning Montana, I presume that of the 49 States, many are not meeting the requirements of TANF. Obviously, it does not make much sense for us to have standards if we don't enforce those standards.

There have been many proposals in recent years to improve the program, but, unfortunately, none have become law. That is why I am grateful to be here with Senator DAINES, who effectively represents Montana. I know Senator DAINES has been working on fixing problems with TANF and getting more people from welfare to work.

Other than these statements he is making here, this year, as evidence of his work, Senator DAINES introduced a bill with Ranking Member BRADY, of Texas, of the House Ways and Means Committee, that seeks to help more people find jobs and escape poverty.

Senator DAINES and I have agreed to work together, along with our other colleagues on the Finance Committee, to find ways to get something done on TANF as it has been too many years since any changes have been made to the program. I am grateful for his commitment to work with me to update this program, and I do look forward to working with the Senator and the other members of the Finance Committee to see what we can agree to, for reforms are needed more now than ever.

To my colleagues and people in the Senate who feel this way or to people outside the Senate who feel this way with regard to any talk of reforming TANF as being needlessly harmful to the people whom Senator DAINES and I want to help, I say what is really harmful to people is, if there are incentives to stay on government programs, because being on government programs guarantees a life of living in poverty.

What our goal should be for everything is to help people get out of poverty, and the way to get out of poverty is to be in the world of work if you have the capacity to work. Maybe some people who have certain physical conditions aren't able to work, and we have to help those people. Yet, for people who have the capability of improving themselves, they ought to be incentivized to improve themselves. Not only that, but it would work well for the needs of our labor market's requirements right now, and the Senator gave the statistics that there are more job openings than there are people for those jobs.

In the final analysis, if we want to get people in the workplace, we ought to have programs that incentivize people to go to work, and our reforming of TANF takes care of some of that. We also have to get rid of this cliff we have; that being, when people make \$1 more than what they get from the government programs, they lose everything. I can give you an example.

When I went to a factory in Northwest Iowa, I asked: Have you ever thought about encouraging people who are on welfare to come to work?

He said: We have one. He works until he makes about \$800. He quits for the rest of the month and then comes back at the beginning of the month because he knows he is going to lose all of those benefits.

It seems to me we ought to do away with that cliff and that we ought to encourage people to get jobs. If they make more money, they shouldn't lose everything all at once. Then, as they work their way up the ladder and improve themselves, maybe they will be off of the programs entirely.

In being a humanitarian, that is the way I see it. You are not a humani-

tarian if you give a person a life in poverty, which is what life is if you are just on government programs. In most cases, you have to be in poverty to qualify for the programs. Yet a few working people qualify for some. In helping to be humane to people, we provide a process for them to be in the world of work and improve themselves. So I look forward to working with the Senator.

Mr. DAINES. Mr. President, I thank Senator GRASSLEY.

He has been a strong advocate for policies that uplift rural communities, and he gets to all of Iowa's 99 counties every year. I would bet Chairman GRASSLEY probably has a lot of stories to talk about as to what is going on because he is in touch with the folks back home who are in these rural communities. Montana is similar. We both come from States that have strong ag heritages, and we have a lot of rural communities. We need policies that will uplift these rural communities and, importantly, strengthen our families.

It is time we see some real change—to stop kicking the proverbial can down the road and OK these consecutive, short-term reauthorizations. That is something DC is pretty good at—short-term reauthorizations, like the 39 we have seen in the last decade with TANF. What we need are permanent reforms rather than these temporary extensions.

I thank Senator GRASSLEY for joining me today in this colloquy and for his commitment to getting something done.

The chairman is a “getter done” kind of leader, and he couldn't have said it any better than in his talking about removing families from being dependent to being independent. We have plenty of provisions here to make sure we take care of those families who, maybe, don't have a choice if there are addiction issues or if there are childcare problems. We have to make sure they will have the ability to get the help they need, but we want to move them into the workforce. With all of these jobs being available right now in this economy, we could solve two problems. That is why we need these TANF reforms.

I thank the Senator for joining me today and for his commitment to getting something done. I am positive TANF reform will lead to great success for people in Montana, for people in Iowa, as well as for people in the rest of the country.

I yield the floor.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CORTON). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.



## NOMINATION OF MATTHEW J. KACSMARYK

Mr. LEAHY. Mr. President, later this month our Nation will mark the 50th anniversary of the momentous uprising at the Stonewall Inn, an occasion that led to June being designated as Pride Month. From parades and celebrations to quiet remembrances, millions of Americans are reflecting on the progress made in the last 50 years for LGBTQ rights, but under the current administration, I fear some of that progress is at risk.

President Trump, who once claimed to be an ally of the LGBTQ community, has proven to be anything but that. His administration has pursued a series of administrative rule changes that seek to undermine the progress made by the LGBTQ community. That includes, at seemingly every opportunity, attempting to make life more difficult for transgender individuals, a community of people who already face daily discrimination.

The Trump administration has worked to erase the gender identities of Federal inmates; to restrict access to healthcare and allow homeless shelters to freely discriminate against LGBTQ individuals under the false guise of religious freedom; and to ban transgender servicemembers from our Armed Services, many of whom have served this country for years, including during times of war.

If discrimination by policy were not enough, President Trump also nominated an unabashed anti-LGBTQ zealot for a lifetime appointment to the Federal bench, a nominee Senate Republicans are ready to confirm on the floor this week.

Matthew Kacsmaryk has a long history of espousing uninformed, offensive, and downright bigoted views of LGBTQ individuals. In 2016, he wrote that the existence of transgender identity is a “delusion” and that treating transgender patients in accordance with their gender identity is “radicalism.” He has repeatedly disparaged the LGBTQ rights movement and described efforts to roll back progress as a “Long War Ahead.” He has argued that discrimination against LGBTQ persons should be legal in employment, public accommodations, and healthcare. He has opposed equality in every possible arena, including anti-discrimination provisions in reauthorizations of the Violence Against Women Act and the Runaway and Homeless Youth Trafficking and Prevention Act, two pieces of legislation that I authored and care about deeply, legislation that attempts to defend the most vulnerable in our society.

No one can credibly claim that an LGBTQ individual, seeking nothing more than equality under the law, would receive a fair hearing from a Judge Matthew Kacsmaryk, a man who considers himself a warrior in the effort to roll back LGBTQ rights. He is simply unfit to serve as a judge. The fact that Senate Republicans would consider the nomination of Matthew

Kacsmaryk during Pride Month adds additional insult to the LGBTQ community, which rightly speaks with a single voice in opposition to this nominee.

Protecting LGBTQ rights need not be a partisan effort. Senator Ted Kennedy and I worked with Republican partners to pass the Matthew Shepard and James Byrd Jr. Hate Crimes Prevention Act into law, which ensures that hate crimes motivated by sexual orientation or gender identity are federally recognized and prosecuted. I also worked with Senator CRAPO when we authored the landmark reauthorization and expansion of the Violence Against Women Act in 2013, which expanded protections for LGBTQ victims. The Senate has an opportunity to come together again in enacting much-needed reforms by passing the Equality Act.

A most basic duty of government is to protect its citizens. By allowing President Trump to repeatedly attack the LGBTQ community without taking action or speaking out, the Senate is failing in our duty. American citizens will suffer greatly from discriminatory policies and judges with hostility toward the LGBTQ community. People at their most desperate will be refused medical care and turned away from shelters. Soldiers will be forced to hide who they are or risk being discharged and prevented from serving the country they love. Inmates will be housed with people of a different gender, opening the door to abuse.

If the President is able to sanction overt discrimination against marginalized members of society with impunity, the words “all men are created equal” have little meaning. I implore each member of this body to stand up for the rights of all our LGBTQ constituents and friends, not just during Pride Month, but every month. I, for one, will stand with them.

## NOMINATION OF ALLEN COTHREL WINSOR

Mr. SCOTT of Florida. Mr. President, Judge Allen Winsor has honorably served the State of Florida for several years, and I proudly support his confirmation as a district judge for the Northern District of Florida today. He has demonstrated a keen legal acumen and adherence to the rule of law, both in his prior capacity as the solicitor general in the Office of the Florida Attorney General and in his present role as an appellate judge on Florida's First District Court of Appeal. His service on the appellate bench in Florida has consistently reflected his respect for the separation of powers and devotion to the proper function of the judiciary in our democratic system. As Governor of Florida, I had the distinct honor to appoint him to the First District Court of Appeal in 2016, and I am proud to support his confirmation to the Federal bench, where he will continue to serve our State and Nation well.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the votes following the first vote in this series be 10 minutes in length.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Kacsmaryk nomination?

Mr. TESTER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 52, nays 46, as follows:

[Rollcall Vote No. 172 Ex.]

## YEAS—52

Alexander	Gardner	Portman
Barrasso	Graham	Risch
Blackburn	Grassley	Roberts
Blunt	Hawley	Romney
Boozman	Hoeven	Rounds
Braun	Hyde-Smith	Rubio
Burr	Inhofe	Sasse
Capito	Isakson	Scott (FL)
Cassidy	Johnson	Scott (SC)
Cornyn	Kennedy	Shelby
Cotton	Lankford	Sullivan
Cramer	Lee	Thune
Crapo	McConnell	Tillis
Cruz	McSally	Toomey
Daines	Moran	Wicker
Enzi	Murkowski	Young
Ernst	Paul	
Fischer	Perdue	

## NAYS—46

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Collins	Markey	Udall
Coons	Menendez	Van Hollen
Cortez Masto	Merkley	Warner
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

## NOT VOTING—2

Booker Gillibrand

The nomination was confirmed.

## EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant bill clerk read the nomination of Allen Cothrel Winsor, of Florida, to be United States District Judge for the Northern District of Florida.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Winsor nomination?

Mr. BARRASSO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

The PRESIDING OFFICER (Mrs. BLACKBURN). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 44, as follows:

[Rollcall Vote No. 173 Ex.]

#### YEAS—54

Alexander	Fischer	Paul
Barrasso	Gardner	Perdue
Blackburn	Graham	Portman
Blunt	Grassley	Risch
Boozman	Hawley	Roberts
Braun	Hoeven	Romney
Burr	Hyde-Smith	Rounds
Capito	Inhofe	Rubio
Cassidy	Isakson	Sasse
Collins	Johnson	Scott (FL)
Cornyn	Kennedy	Scott (SC)
Cotton	Lankford	Shelby
Cramer	Lee	Sullivan
Crapo	Manchin	Thune
Cruz	McConnell	Tillis
Daines	McSally	Toomey
Enzi	Moran	Wicker
Ernst	Murkowski	Young

#### NAYS—44

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Markey	Tester
Coons	Menendez	Udall
Cortez Masto	Merkley	Van Hollen
Duckworth	Murphy	Warner
Durbin	Murray	Warren
Feinstein	Peters	Whitehouse
Harris	Reed	Wyden
Hassan	Rosen	

#### NOT VOTING—2

Booker Gillibrand

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The senior assistant legislative clerk read the nomination of James David Cain, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Cain nomination?

Mr. BARRASSO. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) and the Senator from New York (Mrs. GILLIBRAND) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 21, as follows:

[Rollcall Vote No. 174 Ex.]

#### YEAS—77

Alexander	Gardner	Perdue
Barrasso	Graham	Portman
Bennet	Grassley	Reed
Blackburn	Hassan	Risch
Blunt	Hawley	Roberts
Boozman	Heinrich	Romney
Braun	Hirono	Rosen
Burr	Hoeven	Rounds
Capito	Hyde-Smith	Rubio
Cardin	Inhofe	Sasse
Carper	Isakson	Scott (FL)
Cassidy	Johnson	Scott (SC)
Collins	Jones	Shaheen
Coons	Kaine	Shelby
Cornyn	Kennedy	Shelby
Cortez Masto	King	Portman
Cotton	Lankford	Sullivan
Cramer	Leahy	Tester
Crapo	Lee	Thune
Cruz	Manchin	Tillis
Daines	McConnell	Toomey
Durbin	McSally	Udall
Enzi	Moran	Warner
Ernst	Murkowski	Whitehouse
Feinstein	Murphy	Wicker
Fischer	Paul	Young

#### NAYS—21

Baldwin	Klobuchar	Schatz
Blumenthal	Markey	Schumer
Brown	Menendez	Smith
Cantwell	Merkley	Stabenow
Casey	Murray	Van Hollen
Duckworth	Peters	Warren
Harris	Sanders	Wyden

#### NOT VOTING—2

Booker Gillibrand

The nomination was confirmed.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the next nomination.

The bill clerk read the nomination of Greg Gerard Guidry, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Guidry nomination?

Mr. GARDNER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 175 Ex.]

#### YEAS—53

Alexander	Enzi	McSally
Barrasso	Ernst	Moran
Blackburn	Fischer	Murkowski
Blunt	Gardner	Paul
Boozman	Graham	Perdue
Braun	Grassley	Portman
Burr	Hawley	Risch
Capito	Hoeven	Roberts
Cassidy	Hyde-Smith	Romney
Collins	Inhofe	Rounds
Cornyn	Isakson	Rubio
Cotton	Johnson	Sasse
Cramer	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shelby
Daines	McConnell	

Sullivan	Tillis	Wicker
Thune	Toomey	Young

#### NAYS—46

Baldwin	Heinrich	Sanders
Bennet	Hirono	Schatz
Blumenthal	Jones	Schumer
Brown	Kaine	Shaheen
Cantwell	King	Sinema
Cardin	Klobuchar	Smith
Carper	Leahy	Stabenow
Casey	Manchin	Tester
Coons	Markey	Udall
Cortez Masto	Menendez	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warren
Feinstein	Murray	Whitehouse
Gillibrand	Peters	Wyden
Harris	Reed	
Hassan	Rosen	

#### NOT VOTING—1

Booker

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table, and the President will be immediately notified of the Senate's actions.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 114, S. 1790, a bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

James M. Inhofe, Johnny Isakson, Pat Roberts, Rick Scott, James E. Risch, John Cornyn, John Thune, Richard Burr, Thom Tillis, Mike Crapo, Josh Hawley, Tom Cotton, John Boozman, Martha McSally, Joni Ernst, David Perdue, Mitch McConnell.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. BOOKER) is necessarily absent.

The PRESIDING OFFICER (Mr. CRAMER). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 88, nays 11, as follows:

[Rollcall Vote No. 176 Leg.]

**YEAS—88**

Alexander	Fischer	Peters
Baldwin	Gardner	Portman
Barrasso	Graham	Reed
Bennet	Grassley	Risch
Blackburn	Hassan	Roberts
Blumenthal	Hawley	Romney
Blunt	Heinrich	Rosen
Boozman	Hirono	Rounds
Braun	Hoeven	Rubio
Brown	Hyde-Smith	Sasse
Burr	Inhofe	Schatz
Cantwell	Isakson	Schumer
Capito	Johnson	Scott (FL)
Cardin	Jones	Scott (SC)
Casey	Kaine	Shaheen
Cassidy	Kennedy	Shelby
Collins	King	Sinema
Coons	Lankford	Smith
Cornyn	Leahy	Stabenow
Cortez Masto	Lee	Sullivan
Cotton	Manchin	Tester
Cramer	McConnell	Thune
Crapo	McCally	Tillis
Cruz	Menendez	Toomey
Daines	Moran	Van Hollen
Duckworth	Murkowski	Warner
Durbin	Murphy	Wicker
Enzi	Murray	Young
Ernst	Paul	
Feinstein	Perdue	

**NAYS—11**

Carper	Markey	Warren
Gillibrand	Merkley	Whitehouse
Harris	Sanders	Wyden
Klobuchar	Udall	

**NOT VOTING—1**

Booker

The PRESIDING OFFICER. On this vote, the yeas are 88, the nays are 11.

The motion is agreed to.

**LEGISLATIVE SESSION**

**NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—MOTION TO PROCEED**

The PRESIDING OFFICER. Cloture having been invoked, the Senate will resume legislative session and consideration of the motion to proceed, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to S. 1790, a bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

The PRESIDING OFFICER. The majority leader.

**CONSIDERATION OF SENATE JOINT RESOLUTION NOS. 27 to 48 EN BLOC**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Foreign Relations Committee be discharged of the following resolutions: S.J. Res. Nos. 27 through 48 and the Senate proceed to their en bloc consideration; further, that the Senate debate the resolutions concurrently, and that at 11:30 on Thursday, June 20, the Senate vote on passage of the resolutions in the fol-

lowing order: S.J. Res. 36, S.J. Res. 38, and then vote on the remaining resolutions en bloc with no intervening action or debate. Finally, if the Senate receives a veto message with respect to any or all of the enumerated joint resolutions of disapproval, then, not withstanding rule XXII, consideration of the veto message be limited to 30 hours of concurrent debate for all messages and the Senate vote on passage of the joint resolutions, the objections of the President to the contrary notwithstanding, in the following order if a veto message is received: S.J. Res. 36, S.J. Res. 38, all remaining joint resolutions en bloc. I further ask that the en bloc votes on passage and with respect to the override vote be shown separately for each resolution when printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report the joint resolutions en bloc by number.

The senior assistant legislative clerk read as follows:

A bill (S.J. Res. 27) providing for congressional disapproval of the proposed transfer to the United Arab Emirates, United Kingdom and Australia certain defense articles and services;

A bill (S.J. Res. 28) providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services;

A bill (S.J. Res. 29) providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services;

A bill (S.J. Res. 30) providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services;

A bill (S.J. Res. 31) providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services;

A bill (S.J. Res. 32) providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services;

A bill (S.J. Res. 33) providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services;

A bill (S.J. Res. 34) providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services;

A bill (S.J. Res. 35) providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services;

A bill (S.J. Res. 36) providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, and the Italian Republic of certain defense articles and services;

A bill (S.J. Res. 37) providing for congressional disapproval of the proposed export to the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, and the Republic of France of certain defense articles and services;

A bill (S.J. Res. 38) providing for congressional disapproval of the proposed export to the Kingdom of Saudi Arabia and the United Kingdom of Great Britain and Northern Ireland of certain defense articles and services;

A bill (S.J. Res. 39) providing for congressional disapproval of the proposed export to

the United Arab Emirates and United Kingdom of certain defense articles, including technical data and defense services;

A bill (S.J. Res. 40) providing for congressional disapproval of the proposed export to India, Israel, Republic of Korea, and Kingdom of Saudi Arabia of certain defense articles, including technical data and defense services;

A bill (S.J. Res. 41) providing for congressional disapproval of the proposed export to the Government of Saudi Arabia and the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland of technical data and defense services;

A bill (S.J. Res. 42) providing for congressional disapproval of the proposed export to the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland of certain defense articles, including technical data and defense services;

A bill (S.J. Res. 43) providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services;

A bill (S.J. Res. 44) providing for congressional disapproval of the proposed retransfer of certain defense articles from the United Arab Emirates to the Hashemite Kingdom of Jordan;

A bill (S.J. Res. 45) providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services;

A bill (S.J. Res. 46) providing for congressional disapproval of the proposed transfer to the United Arab Emirates certain defense articles and services;

A bill (S.J. Res. 47) providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services; and

A bill (S.J. Res. 48) providing for congressional disapproval of the proposed transfer to the United Arab Emirates certain defense articles and services.

There being no objection, the committee was discharged, and the Senate proceeded to consider the joint resolutions en bloc.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I am very pleased that we have been able to work on an agreement on the unanimous consent request that the majority leader just propagated that would provide for votes on these 22 joint resolutions of disapproval over the administration's proposed arms sales to Saudi Arabia and the United Emirates.

I thank the bipartisan group of co-sponsors of these resolutions. The majority leader and our staff are diligently working through an unprecedented process. I would also like to briefly engage the chairman of the Senate Foreign Relations Committee, Senator RISCH, in a colloquy. I thank the chairman for agreeing to quickly take up two priority pieces of legislation.

Earlier this year, I led a bipartisan group of Senators, including a number on the Foreign Relations Committee, in reintroducing legislation to hold Saudi Arabia accountable for its devastating actions in Yemen, gross human rights abuses, and the murder of American resident Jamal Khashoggi.

I understand the chairman has also been working on such legislation, and we have agreed to use his legislation as

a base text to which we will be able to offer amendments, including those that reflect the bipartisan consensus contained in my bill, the Saudi Arabia Accountability and Yemen Act.

Additionally, the chairman has agreed to a markup of the SAFE Act, which I believe will take place at a business meeting next week, which prospectively eliminates the ability of the President to use emergency authority to sell arms to any country that is not a NATO plus five member. These votes couldn't be more important.

I am happy to yield to the chairman.

Mr. RISCH. Mr. President, I thank the Senator very much. I want to associate myself with the remarks of my distinguished Senator from New Jersey. I thank him also for the cooperation he has shown in getting us a little further down the road on the Saudi Arabia bill.

The issues regarding this longtime ally of the United States are troubling. I don't think there is anyone on this floor who is adverse to the idea that action needs to be taken. Obviously, the relationship is not the same as it has been for a long time. Having said that, on a transactional basis, there are a number of things we are allied with Saudi Arabia on.

Also, having said that, some of the things that have happened cannot go unnoticed. There are certainly going to have to be repercussions, and we have been negotiating with all parties, including my staff and the staff of the ranking member, together with the State Department and with the White House. I think we are very close to having a bill that could actually pass the Senate, pass the House, and be signed into law by the President. I think this is a real step forward; I think it is progress on this issue; and I think the structure we have put together is in the best interests of all parties.

So I agree with my friend from New Jersey.

I yield the floor.

Mr. MENENDEZ. Mr. President, with that and with the chairman's agreement that we will have a markup of these two bills moving forward, I thank the distinguished chairman, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. INHOFE. Mr. President, over the next few days, Senator REED and I will be leading the consideration of the National Defense Authorization Act for 2020. I consider this—and I think he would probably join me on this—the most significant bill of the year, and it is the most important bill.

There is an old document no one reads anymore called the Constitution, which says what we are really supposed to be doing here. No. 1 on the list is defending America, and now this bipartisan bill is more important than ever.

The world is more unstable and dangerous than at any time in my life-

time. The National Defense Strategy gave it to us straight. This is the document; the National Defense Strategy Commission put this together. It was made up of experts, equally divided, Democrats and Republicans. We have had several hearings on this. We have had meetings and discussed it with our Members. In fact, Senator Jon Kyl, during the brief time that he was back as a Member of the Senate, dropped out of this and then went back in. He is very active in this, and so are the rest.

None of the individuals here have ever been accused of being in any way partisan. What they put together is a defense strategy that is the best thing for this country, and they have done a masterful job of this and actually put it straight to us.

The strategic competition with China and Russia is something that is relatively new. During the last administration, China and Russia started surfacing, and they became more prominent and were challenging us in several areas.

The continuing threats from rogue countries are still important too. We are talking about Iran and North Korea and the other terrorist organizations.

New technology and new warfighting domains in outer space and cyberspace are things that in recent years have become very prominent, and we have to compete. Our peer competitors are out there even stating that they are ahead of us, not to mention the years of underfunding by the previous administration.

When you think about the last administration, if you look at using fiscal year 2018 dollars and you want to take the last 5 years of the previous administration, 2010 had appropriations using constant dollars of \$794 billion. In 2015, 5 years later, it was \$586 billion. So stop and think about that. I can't think of any bureaucracy that has taken that much of a dive in that period of time. We are talking about 20 percent.

So that is the reality we are facing, and this is what we are doing right now in trying to get our Defense authorization bill. Again, it will pass. That is one of the few things you can do that you know is going to pass. It has passed for the last 58 years, and it is going to pass this year too.

Yet we are facing a real national security crisis. There are real threats to our military and our way of life, and we are ready to meet and defeat these threats. We have to continue rebuilding our military, catching up with our competitors, and making strategic and holistic improvements to our national defense. I said catch up, and that clearly states that we are not ahead right now.

Using the National Defense Strategy Commission report as our blueprint, this year's NDAA pursues "urgent change at significant scale" to meet the needs of our Nation.

Our military leaders have said time and again that stable, predictable, on-

time funding is the single most important way Congress can help support a strong national defense. We did this last year, and we are going to do it again this year. It is incredibly important that we stare down the barrel of sequestration cuts that would, in the words of former of Air Force Secretary Wilson, "be absolutely devastating in scope and scale."

It is not just her. Others have come before us and said that if we were to be subjected to sequestration, it would undo all of the corrections that have been made in the last 2½ years. This would undo all of the work we have done to rebuild our readiness. I am talking about fiscal years 2018 and 2019.

We also know that continuing resolutions are no way to do business, especially for our military. We have had the military in hearings we have had. We have traditionally—this year—two very long hearings on defense authorization in our committee. Each witness who comes in talks about how devastating it would be if we were to move back to sequestration or if we have to undo the improvements that we have made.

I know this firsthand. When I go out and visit military installations in Oklahoma, across the country, and around the world, it is true that we sit down with the commanders and the base leaders. But also—and I know my good friend Senator REED does—we go and sit down and eat in the mess halls with our kids out there on the frontlines and talk to them. I have to tell you, they know what is going on. They know when we are dragging our feet on efforts that we have to fund our military. They know who is doing it, who isn't doing it, and they are the best source of getting that information.

The NDAA is the first step in the process of getting them that military funding. This year, we provided a total of \$750 billion to ensure our troops have the resources they need to defend our Nation. This represents a bare minimum. People talk about \$750 billion, but stop and think about it. This report says that until we get back to the point at which we have the military where it should be, we are going to have to increase each year, during this timeframe, somewhere between a 3 and 5 percent increase—net increase—each year. That is in this book here, and that is considered to be a bare minimum. Ironically, that is the same figure that our military uses. The NDAA aligns our defense resources and policies with our National Defense Strategy, which is found in this book.

Fully funding our military at \$750 billion means we will be more ready to address great power competition like China and Russia. We are seeing our military lose ground. Anything less would keep us from regaining our combat advantage and our duty to deter aggression. I am using the words carefully. When we say regain, that is what we need to do, because we are not there

now. We can't plan to fight the wars of tomorrow with the weapons and equipment of yesterday.

The NDAA fully funds the Nuclear Modernization Program at or above request, including the nuclear triad, and directs funding to procure critical equipment.

The Nuclear Modernization Program has been suffering for a long period of time. A lot of people look at the triad system and assume that somehow that is a redundancy. It is not. It talks about systems that can project a nuclear weapon, and there are three different classifications. That is what the triad is all about. It is not as if you can take one or two out of it and still do the job.

In this bill, we have 94 Joint Strike Fighters, 12 new battle force ships, 105 naval aircraft, new aircraft for the Air Force, including the 15 KC-46As, and new helicopters for the Army, including 9 new Chinooks.

We also have to be prepared to meet challenges in new domains. Space is one of those. General Raymond, who is nominated to lead the U.S. Base Command, told our committee when we were having a hearing on this that our superiority in space is questionable. It is not guaranteed. That is work that has to be done. That is what we are finding in this bill that we are going to ultimately be voting for in the next few days.

Our society relies on satellites and space technologies. We need to address this problem now before it is too late, and I am glad President Trump has made this a key initiative.

We took President Trump's directive to establish a space force and came up with a bipartisan plan to establish a force that meets our needs in space. Our bill would stand up the U.S. Space Force in the Air Force. This will create a cohesive strategy to protect our interests in space, improve how we acquire space assets, and improve our space warfighting culture.

People say: Of all the things we are doing right now, we are doing a lot of things in space. What does this do that we are not doing currently? My answer is nothing. We are doing it all now, but this would allow us to do it better. Our plan prevents additional costs and bureaucracy and gets us off on the right foot to better fulfill our mission in space.

The legislation also implements policies that would change the way the Pentagon is run, allowing it to respond more nimbly and effectively to the current defensive landscape.

Last, but arguably the most important, the NDAA makes our all-volunteer force—the backbone of our national defense—the biggest priority.

I happen to be one of the few people—in fact, I think I am the only one in this Senate Chamber who is a product of the draft. That was back in the days when we didn't have an all-volunteer force. I came here absolutely convinced that was the best way to go until I

started seeing what we have out there. When you see these kids and what they are doing, it is amazing how effective they are. They are truly the backbone of our national defense. Even though our military advantage may have been diminished, what hasn't changed are our troops. They are still the best in the world. We have to continue to look out for them. It is one of the biggest ways we stand apart from our adversaries or actors like Russia or China. They don't care about their people. We do.

A lot of times people ask me: Why is it we have to spend so much money on defense? We are spending more money than Russia and China.

That is easy. Our largest single expense to putting together a military is its end strength. It is the people.

It is the people. We care about the people. We make sure we are doing things that are good for the people. I remember we had this big discussion on the privatization of commissaries not too long ago. That was something where that is a benefit. It doesn't cost us any more, I contend, but that is a great benefit for those people—the spouses and members of the military—in remote places. That is where they go. That is where everybody wants to go. So it is true that it costs more, but that is because Russians—it goes without saying, Russians and the Chinese, they don't really care about the people. They are going to tell them to go out and fight. They have to do it. That is the largest single item. They don't have that; we do, and we are better off for it. That is what this is all about. It will put us back to where we are on top. We are not second in any of these areas.

It provides the 3.1-percent pay raise for our troops, and that is the largest we have had in 10 years.

We improved the quality of life for our troops and their families, making sure our troops have quality healthcare and a solid roof over their heads.

Just a few months ago, our committee became aware of some really serious problems in housing. This is only just about last February. This is something—frankly, I was one of the guilty parties because we privatized housing some time ago. That was something that—yes, in a way, it sure makes it easier for us. It makes it easier for the military. All of a sudden, we found ourselves in a situation where we sent out bids. We had contractors who were bidding to do the housing work. Then we found out that—it worked fine for a couple years, but then, as time went by—this is human nature—people got careless. I think the contractors got a little bit greedy. So all of a sudden, we found out we had housing for our people that had mold and all kinds of serious problems. So we had a hearing on this. Actually, we had two hearings on this. One was to listen to the tenants all throughout America who were talking about how deplorable that condition was, and the other one was we

brought in the contractors and talked to them. The thing that impressed me was, during the second hearing of the contractors, they admitted there was a problem. They said: There is. We have become a little too relaxed. They started to clean up their act, but just in case they did not do that, we actually put a lot of those provisions in this bill that we are going to be considering now. It includes a Tenant Bill of Rights. We weren't going to do this until the end of the summer. We were going to have another hearing and talk about what we needed to do to correct the problem, but we already know. They went out there, and they looked.

So in this bill, we have a Tenant Bill of Rights. We have private housing partners being held accountable, ensuring each installation has the right personnel to conduct oversight. Overall, we make sure our military has the infrastructure to support it. Within the funding for military construction, \$3.6 billion is set aside to replenish funds that may be used to build a wall. There has been a lot of criticism. People are saying: Well, you used some military funds—maybe some of the funds that were going to be used for military construction. If that is the case, we have \$3.6 billion set aside here to replenish any funds that might have been used to build a wall. So they don't have that argument anymore.

As I said before, this legislation is legislation that all of our colleagues from both sides of the aisle can support. Defense needs to be our No. 1 priority. We may not agree on everything, but we can definitely agree on that.

The Senate Armed Services Committee approved the bill on an overwhelming bipartisan basis—25 to 2—in only 6 hours. This is kind of interesting. Each year it falls this way—I guess, intentionally. On a Wednesday, we get together at 9 in the morning. The Defense Authorization Committee and the Senate Armed Services Committee meet. We go over what we are going to have to do in terms of this bill, and we get it done. We got this done actually in 6 hours. I thought that was a record, and we did it in a little less than that time this time, but we had a product that was 25 to 2. Only two people voted against it. We completed this work quickly—less than 2 months after receiving the administration's budget request. It was my goal to get this done as soon as possible. I thank the committee and the staff for helping to get this done.

We all understand the importance of this bill. This is the most important bill of the year. I think most people understand that and agree to that. On this committee, we considered 433 amendments and approved nearly 300 of them. Our markup took 6 hours just because of our shared commitment to working together.

So I want to thank, particularly, the ranking member of the Senate Armed Services Committee, Senator REED, and every member of the committee

working to pass this critical legislation. I want to thank the majority leader, Senator MCCONNELL, for his leadership and for continuing to fight for a budget deal that includes a strong top line for our defense.

I look forward to continuing this fair, corroborative process on the floor in the coming days. We are going to consider amendments. Both Senator REED and I want an open amendment process. Then we are going to pass this bill for the 59th straight year in a row. For nearly 6 decades, Congress has understood the necessity of a strong, capable, lethal force. The main reason America is the leader of the free world is because of our military might. Our Armed Forces are the very best in the world. Our leadership values pave the way for liberty, prosperity, and security across the globe. We preserve peace through our strength. Who else said that? Ronald Reagan talked about the necessity to be strong so we can avoid the very type of threats that are out there. Freedom isn't free. We understand that. We want to preserve this vital role—a role that guarantees a future of freedom and democracy for our children and grandchildren. We have to prioritize our national security. That is what we have been doing with this NDAA, and that is why we are going to continue to do it with the passage of this bill.

Again, I want to express my appreciation. It is a tough bill, and we have spent a lot of hours together, Senator REED and I, and I think we have something now that is going to be going through. We do have an amendment process. It is an open amendment process, and we plan to do that and get that done.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2020—MOTION TO PROCEED—Continued

Mr. INHOFE. Mr. President, I have a unanimous consent request that the Senate resume consideration of the motion to proceed to S. 1790.

With that, I yield the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to join my colleague Senator INHOFE to discuss the fiscal year 2020 national defense authorization bill. I want to begin by thanking Senator INHOFE for his leadership and bipartisanship throughout the drafting of this bill.

Like you, Senator, I was living through the draft period, but when you join the Army at 17, you don't worry about the draft at 18, but we share that in common also.

The Armed Services Committee, as the chairman indicated, held a series of very thoughtful hearings that greatly informed the shaping of this bill. During last month's markup of the bill, we had a day of good discussion and debate, and the bill was voted out of the

committee by a strong bipartisan vote of 25 to 2. I hope we can now have an equally productive consideration of this bill on the floor. I know Senator INHOFE and I are interested in having votes on amendments, including as many cleared amendments as possible.

I believe this bill contains many provisions that will benefit the Department and our servicemembers. There are a few areas I want to highlight, and then I look forward to turning to the consideration of amendments.

Several months ago—again, as the chairman indicated—this committee became acutely aware of a crisis in quality and safety of privatized military housing. After many weeks of visiting these houses, talking with the affected families, and holding two hearings, the committee included 32 separate provisions in this bill, addressing housing concerns. Several provisions address the need for increasing transparency, providing better controls on incentive payments to companies, requiring standardized leases and satisfaction surveys, and creating a discrete resolution process.

In some instances, the Department has already begun implementing some of the provisions, such as instituting a Tenant Bill of Rights.

Privatized housing is still a long way from where it needs to be in terms of providing quality homes for our military families, but this bill will begin to hold private companies accountable and ensure that the military services have new tools and capabilities to exercise oversight so we can all honor our commitment to our warfighters and to their families.

The bill includes a number of other provisions that support the quality of life for our military personnel, including a 3.1-percent pay raise, \$40 million in supplemental impact aid for federally impacted local school districts, and \$10 million in impact aid for severely disabled military children.

Unfortunately, the bill does not authorize additional funding to support pay raises for the Department's civilian workforce, as the administration proposed a pay freeze for the Federal Government civilian workforce for 2020.

I hope that as we move through this bill and the appropriations bill, we can rectify this error. The gap between the military pay raise and civilian pay raise has never been greater than what the administration has proposed in this year's budget. This is a shortsighted measure that will ultimately harm our national security.

We cannot hope to recruit and retain highly qualified individuals into the civil service and our military departments if salaries do not keep pace with the private sector or inflation. The Department's civilian workforce is a critical component of the total force and across the government a vital component to our national defense and national security.

#### SEXUAL ASSAULT PREVENTION

Mr. President, the committee continues to enhance sexual assault prevention response efforts in the military. Over the years, we have enacted more than 100 provisions to address sexual assault. This year, we require the GAO to examine all sexual assault provisions enacted since 2003 to help us determine how they have been implemented and if they are making a difference.

This year's bill pays particular attention to prevention of sexual assault. It requires a comprehensive policy to improve education, training, empower and enhance the role of noncommissioned officers in the prevention of sexual assault, promote healthy relationships by addressing behaviors across the continuum of harm related to sexual assault, and foster the social courage to promote interventions.

This provision also addresses alcohol abuse, which is commonly associated with sexual assault.

Although the issue of sexual assault is a national problem—not just a military problem—we remain committed to ensuring the military is at the forefront of combating this scourge.

If the problem of sexual assault in the military is not adequately addressed, it will continue to undermine good order and discipline in our Armed Forces.

In the area of acquisition reform, the bill continues to improve the Pentagon's ability to build and buy the technologies and systems it needs to protect our national security while responsibly spending taxpayer money. For example, the bill mandates that the Defense Department continue to streamline acquisition and contracting processes, including through the use of small, focused teams, in accordance with the recommendations of the GAO.

The bill also seeks to ensure that the Defense Department is aware of the state of its industrial base and has better knowledge of the contractors with whom it works. The bill includes a provision that directs the Department to establish processes by which it can determine the actual ownership of the companies with which it signs contracts. We have seen instances where Chinese and Russian interests are the actual owners of some of the companies in our defense supply chain, raising grave concerns with the security and reliability of those contractors. We need to take steps to make sure that industrial base is secure.

The bill also strengthens the Department's ability to secure fair prices and good value from its contractors. The bill directs the Department to ensure that contractors supply accurate information on the price of goods, technologies, and services, and to report instances where contractors are not providing required pricing information. It also directs the Department to engage the academic community in order to develop more streamlined and data-driven methods to determine fair and reasonable pricing.



In the area of science and technology, I am pleased that the bill authorizes increases in funding for critical technology areas like cyber security, undersea warfare, and manufacturing.

The bill also directs the Department to develop a coordinated research program in emerging biotechnologies. Every day, we learn about new advances in biotechnology, ranging from gene editing to high-speed vaccine development and even cloning. We need to make sure the Defense Department has robust and informed research efforts in these areas, as well as initiatives to monitor the potential threats to our forces and the public that may emerge as a result of these technologies.

In addition, the bill includes multiple provisions related to the 5G wireless competition—a competition that the United States and its allies and partners cannot afford to lose as 5G becomes the foundation for the next set of world-changing technological advances that will power the global economy. Driverless cars, the internet of things, advanced manufacturing, smart cities, and telemedicine are just a sample of what will depend on high-speed, high-capacity, and low-latency wireless networks. We must have a national and indeed international strategy to secure these networks and electronics supply chains, and this bill sets out the role the Defense Department should play in that effort.

This year's bill also encourages the Department to continue its engagement with the university community, whose work and basic research generate the innovations that drive our economic growth and bolster our national security. We must promote U.S. university research in both the Defense Department and civilian agencies, protect the innovations that result from that work, and set up mechanisms to welcome the best and brightest technical minds to stay in our Nation after their academic studies in order to benefit from their contributions in these important fields, which have ramifications for our economy and our national security.

I am turning now to some other areas.

This bill supports the Army of today, as well as ensures that our soldiers are well prepared for the challenges of tomorrow. The bill also authorizes funds for critical legacy platforms that the Army must rely upon until new systems are fielded in the future, including upgrades to the M1 Abrams tank and Stryker platform. The bill supports many Army modernization objectives, including long-range precision fires, next-generation combat vehicles, and the Army's Future Vertical Lift Program. The bill also seeks to fill some capability gaps in the Army by authorizing additional funding for hypersonic weapons development and increased investments in Army artillery systems.

In the area of ship construction, the bill approves the continued construction of two Virginia-class submarines in fiscal year 2020 and authorizes advance procurement for a third boat in fiscal year 2023. The bill also authorizes an additional \$522 million to make sure that both attack submarines planned in fiscal year 2020 are built with the Virginia Payload Module.

Regarding other Navy ship construction programs, the bill ensures responsible stewardship of taxpayer dollars. It expands the cost cap for the Ford-class aircraft carrier program to cover the recently signed contract for a two-carrier buy. This language will ensure that the Navy and the contractor actually deliver on the cost savings promised when the two-ship deal was signed. The bill also tightens the cost cap on the Ford-class carriers since the design for the Ford-class should be stable for the carriers built after the lead ship, the USS *Gerald R. Ford*.

In addition, the bill requires the Secretary of the Navy to designate a senior technical authority for each class of naval vessels. This senior technical authority would be a professional engineer in the Navy Sea Systems Command who could counterbalance the input from the uniformed Navy in pursuing ship acquisition programs.

In the area of strategic systems, the bill continues to support modernization of all three legs of the nuclear triad: the Columbia-class submarine, the B-21 bomber, and the ground-based strategic deterrent. All are major acquisition programs that will take decades to field.

As we move forward, bipartisan support for these programs will remain essential. If we are to maintain a sea-based deterrent, we must begin to replace our current fleet of 14 Ohio-class submarines in 2027. The bill provides funds for advance procurement for the Columbia-class ballistic missile submarine program and authorizes an additional \$125 billion to expand the capabilities of the second- and third-tier contractors in the submarine industrial base. Ensuring that these second- and third-tier contractors are ready to expand their production will be important, indeed critical to keep the Columbia-class program on track.

Turning to the air leg of the triad, the B-52 bomber was fielded in 1962. While its longevity is impressive, we need to bring its replacement, the B-21, online, we hope, in the 2030s. The bill also continues to support the replacement for the cruise missile, which is our principal stand-off weapon for the B-52 and an important signaling hedge under the New START treaty.

Turning to the administration's proposal for a Space Force, I would like to briefly highlight what this bill includes.

In reviewing the administration's proposal, the committee held numerous briefings on the importance of space to national security and the protection of our space assets. The committee devel-

oped a bipartisan proposal for a Space Force that minimizes the overhead costs by keeping the Space Force within the Air Force since this force will be comprised of about 15,000 Active-Duty members who are almost exclusively Air Force personnel. I believe this was a reasonable and cost-effective approach to stand up the Space Force during its first few years.

I do have concerns about two provisions added during the markup process, one which makes the Space Force chief a member of the Joint Chiefs and a second provision that requires the Space Force chief to report directly to the Secretary of the Air Force. This latter provision will require an additional staff of up to 2,000 people, with an annual cost of somewhere between \$200 million to \$500 million. I am hopeful that we can address these issues during conference to find the best way forward to ensure our Nation is adequately organized and focused on the space mission.

Turning to countering the continued threat posed by ISIS and other violent extremist groups, the bill extends the Iraq and Syria train-and-equip programs at the requested funding level, while ensuring appropriate congressional oversight of the use of such funds. Additionally, the bill begins to normalize security assistance to Iraq by transitioning funding to enduring authorities.

The bill also includes important authorities to enable more effective information operations by the Department of Defense to counter influence activities by violent extremist groups and near-peer strategic competitors.

In the area of special operations, the bill extends and strengthens various authorities utilized by our special operations forces and empowers the Assistant Secretary for Special Operations and Low-Intensity Conflict to provide advocacy and oversight of special operations forces.

In addition, the bill ensures adequate congressional oversight of the activities conducted by the U.S. military, including special operations forces, by ensuring appropriate access to policy and other documents that authorize operations overseas.

Having recently returned from Afghanistan, I am pleased the bill authorizes the administration's full request for funds to support the ongoing U.S. military efforts as part of Operation Freedom's Sentinel and Operation Resolute Support in Afghanistan and includes a new reporting requirement to enhance oversight of the ongoing advisory mission there.

The bill contains a number of provisions to build capabilities for our strategic competition with Russia. This includes authorizing full funding of the budget request for the European Deterrence Initiative, or the EDI, to support the U.S. military presence in Europe, enhance multilateral training and exercises, and build partner capacity.

The bill also authorizes an increase in funding for the Ukraine Security Assistance Initiative, for a total of \$300 million, of which \$100 million is available only for lethal assistance. This sends an important signal to Russia that its aggression against Ukraine, including its attack on Ukrainian naval vessels in the Kerch Strait, has consequences. The bill also renews an authority to provide security assistance to the Baltic countries for a joint procurement program.

With regard to Turkey, the committee worked closely with Senators LANKFORD, SHAHEEN, VAN HOLLEN, and TILLIS to include a provision that prohibits the transfer of the F-35 aircraft to Turkey, which can only be waived if the Secretary of Defense, with the concurrence of the Secretary of State, can certify to Congress that Turkey has not accepted delivery of the Russian S-400 air defense system and has provided reliable assurances that it will not do so in the future. This sends a strong message to President Erdogan that he will not have both the Russian S-400 and the F-35 co-located on Turkish soil.

The bill also includes provisions that prioritize defense investments to deter Chinese aggression in the Indo-Pacific region, including adding Pacific Island nations to the Indo-Pacific Maritime Security Initiative and supporting a multi-domain task force to develop capabilities and operational concepts to improve our posture in the region.

To conclude, this bill authorizes \$665.7 billion in base funding, which is roughly \$90 billion above the Budget Control Act, or BCA, caps. I want to applaud the chairman's decision to move about \$98 billion of funding the President requested for base requirements in OCO back into the base budget where it belongs.

The Department needs additional resources, particularly to restore readiness, to invest in emerging technologies, and to address unforeseen situations, such as hurricane damage, but as it stands now, this bill, if fully funded, would trigger sequestration. Until Congress either repeals the BCA or reaches a new budget agreement, the extra \$90 billion is aspirational, but not real money. I think we are creating difficulties for ourselves and the Department if suddenly this funding must be stripped out.

Of all the issues we are considering in Congress, the budget situation is, to my mind, the most critical and urgent one, and I hope my colleagues are as eager as I am to address this issue.

Again, let me commend Chairman INHOFE for his efforts in getting us to this point. Let me also thank our staffs, who did a superb job and continue to do a superb job. Let me thank my colleagues on the committee, including the Presiding Officer, for their thoughtful, creative, responsible, and very hard work in getting this bill done.

Mr. Chairman, I look forward to working with you and to an open de-

bate on the floor, voting on the bill, and getting this legislation passed and moving forward.

I yield the floor.

Mr. INHOFE. Mr. President, let me say also that Senator REED and I worked together on a lot of these over the years, and this is not going to be any different than before. We can get it done. We will get it done on time. We will get it done to put us back in the position we should be in, the United States of America with our military capability.

With that, I appreciate it and look forward to working together.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### JUNETEENTH INDEPENDENCE DAY

Mr. INHOFE. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 253, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 253) designating June 19, 2019, as "Juneteenth Independence Day" in recognition of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States.

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### MORNING BUSINESS

##### TRIBUTE TO MIKE MONAGHAN

Mr. DURBIN. Mr. President, in 1901, superintendent of Joliet Township High School J. Stanley Brown and University of Chicago president William Rainey Harper committed themselves to an historic experiment. They founded Joliet Junior College, the Nation's first public community college with six students as the initial enrollment. Brown and Harper designed the school for students who wanted to remain in the community, but also wanted to pursue a college education.

The community college system is vastly different than Harper and

Brown's initial work today. Community colleges are helping millions of Americans carve a pathway to middle-class prosperity and a chance to fulfill the American Dream.

Earlier this month, Mike Monaghan, a champion of Illinois community colleges with more than 40 years of legislative and higher education experience, retired from the Illinois Community College Trustees Association. During his time there, he worked hard to make sure Illinois has some of the finest colleges in the country. Mike will certainly be missed.

Originally from Springfield, he earned an associate arts degree from Lincoln Land Community College, a bachelor's degree in political science from Bradley University, and a master's degree in legal studies and administrative law from the University of Illinois at Springfield.

I have known Mike for decades from our days as staffers in the Illinois State Senate. Mike was fighting for improving education in the State as the principal staff to the State senate's higher education committee when I was legal counsel to the State senate judiciary committee. He also was my neighbor, living a block away from me. I might add Mike also was a precinct captain for a couple of my races, too.

In 1989, Mike became the Illinois Community College Trustees Association's director of government relations. In this role, he developed a statewide advocacy program and regularly organized trips to Washington, DC, with students. One of his major efforts was the successful implementation of a State insurance program for community college retirees. In 1998, the Illinois Society of Association Executives awarded him with their Government Relations Award for the program.

Mike's hard work led him to become the ICCTA's executive director in 2005. For the past 14 years, he has continued fighting for resources for community colleges. He earned the Cook County College Teachers Union 2008 Innovation in Education Award for his leadership in promoting community colleges.

When community colleges are not funded properly, the costs fall on students. When Mike started, some remarked that community colleges were 13th and 14th year schooling and dismissed them as "Tinker Toy Tech." This is certainly not the case today.

Today, 35,000 students are enrolled at Joliet Junior College, and Illinois has 519,000 students enrolled in community colleges. More and more students know community colleges are one of the best investments in education for students and are the best alternative in the competitive college marketplace.

Americans hold more than \$1.4 trillion in student debt, making it the largest household debt after mortgages. Community colleges, with low tuition rates and quality educational programs, are a key to breaking the debt stranglehold of our current higher education system.

I want to take this time to honor Mike for his hard work in making Illinois one of the top community college States. The future of William Rainey Harper and J. Stanley Brown's experiment looks bright because of Mike's work. We thank him for his service and look forward to his next chapter in life.

#### VOTE EXPLANATION

Ms. HIRONO. Mr. President, I was necessarily absent for votes on June 18, 2019.

Had I been present, I would have voted no on both cloture and confirmation of the nomination of Sean Cairncross to be Chief Executive Officer of the Millennium Challenge Corporation.

I would have also voted no on cloture on the nominations of Matthew J. Kacsmayk to be United States District Judge for the Northern District of Texas, Allen Cothrel Winsor to be United States District Judge for the Northern District of Florida, James David Cain, Jr., to be United States District Judge for the Western District of Louisiana, and Greg Gerard Guidry to be United States District Judge for the Eastern District of Louisiana.

#### GUN VIOLENCE

Mrs. FEINSTEIN. Mr. President, today I wish to speak in support of legislation to address the ever increasing instances of gun violence and to urge our Republican colleagues to finally join us in our effort to save lives.

I became mayor of San Francisco as a result of gun violence, and from my first day in the Senate, trying to reduce the number of lives needlessly lost to gun violence has been my mission. I authored the Federal assault weapons ban that was in place from 1994 to 2004. Since that ban expired 15 years ago, the number of mass shootings has risen dramatically.

According to data from Mother Jones, which defines a mass shooting as four or more people killed, we have suffered through 77 such massacres, leaving 643 dead and 1,055 injured. That is why I have introduced an updated assault weapons ban, which will keep weapons of war off of our streets. Compared with the 10-year period before the 1994 Federal assault weapons ban, the number of gun massacres between 1994 and 2004 fell by 37 percent. The number of people dying from gun massacres fell by 43 percent. The fact is that the assault weapons ban worked.

Firearms like the AR-15 have become the mass shooter's weapon of choice, and they become even more dangerous with the use of modifications like bump stocks. We will never forget that, in 2017 in Las Vegas, 58 people were killed and 422 wounded in our Nation's worst mass shooting.

Simply put, there is no reason why civilians need weapons like these. They are not for protection, and they are not for hunting. They are weapons of war

designed to take lives, and that is why we need to reinstate the assault weapons ban.

Since 1966, there have been 163 mass shootings with at least four people killed; 1,165 people have lost their lives, 189 of whom were children or teenagers.

The statistics on school shootings are even more sobering. Since the shooting at Columbine in 1999, there have been 239 school shootings nationwide; 302 people have been injured, 144 people killed, and 228,000 children exposed to gun violence.

I have said before that I thought things were going to change after what happened in Newtown. I still have a framed copy of the Daily News cover with the pictures of the beautiful children whose lives were taken that day and the headline "Shame on U.S.," for failing to pass the assault weapons ban. But things didn't change because my Republican colleagues lacked the courage to stand up to the National Rifle Association. I hope that can change now and that Senator MCCONNELL will finally call up legislation to prevent more lives from being needlessly lost, including the lives of our children.

In addition to reinstating the assault weapons ban, we should be doing more. In particular, the Senate should immediately consider the Extreme Risk Protection Order Act, the Violence Against Women Act, and universal background checks. Each of these bills should be part of a comprehensive strategy to prevent further shootings, and we must act quickly.

To that end, I have introduced the Extreme Risk Protection Order Act of 2019. This bill would give grants to States to enact extreme-risk laws. These are laws that allow family members and law enforcement officers to get court orders to keep guns out of the hands of dangerous people.

Fifteen States and the District of Columbia already have extreme-risk laws on the books, and they work. San Diego has had particular success with California's law. In a little more than a year, that office has obtained 126 orders and confiscated 318 guns, including 33 assault weapons.

Earlier this year, I received a letter from the San Diego city attorney. Here is an excerpt from that letter: "Our office has found California's red flag law to be a powerful tool for protecting residents and police officers from senseless gun violence. Gun-rights advocates closely monitor our work; they have yet to bring to our attention a case where they believe the GVRO was improperly granted." Simply put, extreme-risk laws protect due process, and they save lives.

Similarly, the Violence Against Women Act, which has already passed the House, addresses gun violence by keeping guns out of the hands of domestic abusers. It does this in three ways. First, the bill makes it a Federal crime for someone under an ex parte domestic violence order to possess a firearm. An ex parte hearing means

that the abuser is not there, but there are still due process protections. The judge must still consider evidence, and the order itself is only temporary. These sorts of orders are only issued in the most dangerous situations, which is why it is so important that we ensure these sorts of abusers cannot purchase or possess firearms while the order is in place.

Second, it closes the so-called boyfriend loophole. This is an important update to the law so that, if someone is convicted of committing domestic violence against the person he or she is dating, they cannot possess firearms. These are situations where someone has already been convicted of committing an act of domestic violence. The presence of firearms in domestic violence situations raises the chance that someone will die by 500 percent. Preventing this is common sense.

Third and finally, the House bill prohibits people convicted of stalking from possessing a firearm. Once again, this means someone has already been convicted in a court of repeatedly following and harassing someone else.

For me, there is no question that domestic abusers should be barred from purchasing or possessing firearms.

There was a recent article in the Washington Post titled, "The latest shooting attacks show how the U.S. stands apart from the world. It ends with the line: 'It may not be possible to completely replicate Australia's success, but why there has been no effort even to try is a question that puts national lawmakers to shame.'"

I agree. It is far past time for my Republican colleagues to join me in passing commonsense gun reform. It is far past time to act, and we are needlessly losing more lives every day to gun violence.

Thank you.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO WENDELL HANSON

• Mr. ROUNDS. Mr. President, today I wish to honor Wendell Hanson, as he celebrates his centennial birthday this year. Wendell was born on August 4, 1919, in Sioux Falls, SD.

Wendell Hanson graduated from Washington High School in Sioux Falls. He attended 1 year of college at Augustana College in Sioux Falls before transferring to the University of Texas, where he was President of Alpha Phi Omega.

Wendell enlisted in Active Duty in the Army Air Force on September 5, 1941, and served in World War II as a B-25 combat pilot in low-altitude attack missions from bases in China and India. He was flight leader under General C. L. Chennault's 14th Air Force Flying Tigers. Among the medals he was awarded are the Distinguished Flying Cross for distinguishing himself by heroism and extraordinary achievement while participating in aerial flight, the

Air Medal with oakleaf cluster, three Bronze Stars, and China's Liberation Medal. After his tour of duty in the war overseas, he taught instructor pilots how to teach combat air tactics to pilots. He served in the Air Force Reserve and retired in 1964 as a lieutenant colonel.

On August 11, 1945, Wendell married Helen A. Brumbaugh at First United Methodist Church in Sioux Falls. Wendell met Helen when she was a teacher at Vermillion High School. In January of 1945, he flew to Sioux Falls from Texas and drove his father's car to Vermillion to recruit potential Air Force pilots. Prior to speaking with students, he spoke with Helen for a few minutes in a school hallway. A month later, without further communication, Wendell sent a letter to Helen asking her to marry him. Helen replied, "I do not even know you well enough to say no." After many months of letters, Helen said, "Yes." They lived near Waco, TX, while Wendell taught instructor pilots at Lackland Air Force Base, then moved to Ann Arbor, MI, for 2 years before finally returning to Sioux Falls.

Wendell and Helen had five children, Doug, Gail, Gary, Allen, and Martha, as well as eight grandchildren and 13 great-grandchildren.

As a dedicated public servant, Wendell served in the South Dakota Senate from 1977–78 and from 1981–1982. In his spare time, he enjoys golf, international travel, pheasant hunting, fishing, and camping. He was an active member of Hope Lutheran Church, where he served as President of the congregation and Sunday school teacher. He was also a member of Peace Lutheran Church and currently attends Abiding Savior Lutheran.

I ask my colleagues to join me in thanking Wendell Hanson for his service to our country and wish him a very happy 100th birthday, good health, and prosperity.●

#### TRIBUTE TO PHILIP JONES

● Mr. RUBIO. Mr. President, today I am pleased to recognize Philip Jones, the Jackson County Teacher of the Year from Marianna High School in Marianna, FL.

To Philip, his job is to improve a student's reading and writing skills. He believes this is best achieved through an openness to dynamic academic and social changes. Philip designed his English class curriculum with structured plans, which builds trust in his students after the first 9 weeks of the school year and allows them to communicate with him during class and through written assignments clearly and without negative distractions.

Philip has taught 10th grade English at Marianna High School for 6 years and serves as the chairperson for the English Department. He has also received the Florida Department of Education's High Impact recognition 3 years in a row. Philip earned his bach-

elor's degree in political science from the University of Florida in 2000 and his master's degree in environmental law from Vermont Law School in 2004.

I extend my best wishes to Philip for his dedication to his English students and look forward to hearing of his continued success in the coming years.●

#### TRIBUTE TO TRACY KERBY

● Mr. RUBIO. Mr. President, today I honor Tracy Kerby, the Lafayette County Teacher of the Year from Lafayette High School in Mayo, FL.

An eighth grade language arts teacher since 2006, Tracy's colleagues note that she is always looking for opportunities to grow as an educator. Tracy is a great leader for her students to follow because of her high moral character and her desire to set her students up for success later in life.

Tracy loves being a teacher in the Lafayette District Schools because she has the ability to watch her students learn and grow. She enjoys watching her students succeed in class, athletics, at local fairs, or with volunteer events at their church.

I express my best wishes and gratitude to Tracy and look forward to hearing of her continued success in the coming years.●

#### TRIBUTE TO CHARLES MEARSHEIMER

● Mr. RUBIO. Mr. President, today I recognize Charles Mearsheimer, the Collier County Teacher of the Year from Oakridge Middle School in Naples, FL.

Charles has taught U.S. history at Oakridge Middle School for the past 16 years and has worked in education for 24 years.

Charles believes in his students' ability to achieve success and in the invaluable power of teaching to ignite the passion for learning that will follow them as they grow throughout their educational journey. He also serves as an unofficial mentor for new staff members, passing along his own passion for teaching. Both his colleagues and students feel the contagious effect of his enthusiasm and has led to Charles being one of the most requested teachers at his school.

I extend my sincere thanks and gratitude to Charles for his dedication to his students and look forward to hearing of his continued success in the years ahead.●

#### TRIBUTE TO JEANNINE MEIS

● Mr. RUBIO. Mr. President, today I recognize Jeannine Meis, the Leon County Teacher of the Year from Leon High School in Tallahassee, FL.

A teacher in the Leon County School district for 16 years, Jeannine is an educator who is consistently modifying her curriculum to create lesson plans that help her to connect with her stu-

dents while creating an atmosphere that is encouraging. Before Jeannine started her tenure at Leon High School, she taught elementary school at the Apalachee Tapestry Magnet School of the Arts and middle school students at Cobb Middle School, where she had the privilege of teaching some of her students again.

I express my sincere thanks and appreciation to Jeannine for her work and look forward to learning of her continued success in her future endeavors.●

#### TRIBUTE TO LEIGH NORRIS

● Mr. RUBIO. Mr. President, today I am pleased to honor Leigh Norris, the Hamilton County Teacher of the Year from Hamilton County Elementary School in Jasper, FL.

Peggy Sue Hasty, principal at Hamilton County Elementary School, described Leigh as a fine example of a dedicated teacher who works hard to ensure her students achieve academic success.

A sixth grade math teacher who has worked in the district for 21 years, Leigh considers teaching the profession she was born to do. She loves to inspire a passion for learning math, and shares the excitement with her students when they make gains or solve challenging problems on their own.

I offer my best wishes to Leigh for her work and look forward to hearing of her continued success in the coming years.●

#### TRIBUTE TO JUDITH PARIS

● Mr. RUBIO. Mr. President, today I honor Judith Paris, the Wakulla County Teacher of the Year from Shadeville Elementary School in Shadeville, FL.

Judy's teaching philosophy guides her students to thrive in environments where they are encouraged to explain their thinking and also understand how their classmates think. She works to create a classroom that facilitates a love of learning and where students build self-confidence.

In her classes, groups of students often begin the school year at 40–50 percent proficiency in math and consistently improve their math scores to 90 percent or higher by the end of the school year. She credits their success to the instructional practices that she teaches to make students solve problems on their own and by working together.

Judy is a fifth grade math teacher and is also her school's math team leader and chair of the mathematics committee and coteaches faculty workshops on accelerated math. Judy earned her bachelor's degree in technical writing with a minor in mathematics from Louisiana State University and earned a post baccalaureate degree in mathematics education. She is certified in elementary education, middle school math, and high school math.

Judy has been recognized twice by the Florida Department of Education as a High Impact Teacher due to her students' learning gains and has earned the Best and Brightest Florida Department of Education award for 3 consecutive years. She was voted by her supplemental educational services colleagues as the September 2018 Teacher of the Month.

I extend my best wishes and gratitude to Judy for her dedication to helping her students succeed in mathematics. I look forward to learning of her continued success in the years to come.●

#### TRIBUTE TO KAYLA PATTON

● Mr. RUBIO. Mr. President, today I recognize Kayla Patton, the DeSoto County Teacher of the Year from West Elementary School in Arcadia City, FL.

Kayla says that the most challenging part of teaching is finding creative ways to motivate the uninterested students. However, this can lead to the most rewarding part of her job: watching a student realize they are able to do the work. Kayla implements a unique technique in her fourth grade writing class. She asks her students to translate what they see into words and then compose the visual objects into an essay.

Maintaining perseverance, self-criticism, innovation, and orderliness in work are Kayla's keys to success. She says that channeling her student's energy is what takes them from average to great.

I extend my sincere thanks and gratitude to Kayla for her dedication to her students and look forward to hearing of her continued good work in the coming years.●

#### TRIBUTE TO DERITA PINKARD

● Mr. RUBIO. Mr. President, today I honor Derita Pinkard, the Madison County Teacher of the Year from Madison County Central School in Madison, FL.

One of Derita's greatest joys as a teacher is the knowledge that she is helping to shape the next generation that will lead the Madison community, our State, Nation, and the world. By educating the youth, she hopes their decisions and dreams will positively affect communities in the future.

A seventh grade math teacher and math instructional coach, Derita has been a teacher for 32 years, and she does not plan to slow down. Derita is a patient educator, who likes to break down math problems for her students when they have trouble understanding the steps or formulas. She believes this approach is best suited to help them learn not only in her classroom, but also in their future classes.

Derita graduated from North Florida Junior College, earning an associate of arts degree before attending Valdosta State University, where she earned her bachelor's degree.

I offer my best wishes and gratitude to Derita for her dedication to teaching her students and look forward to hearing of her continued good work in the coming years.●

#### RECOGNIZING TWO PEAS CAFE

● Mr. RUBIO. Mr. President, as chairman of the U.S. Senate Committee on Small Business and Entrepreneurship, I have the opportunity to highlight a unique small business every week. Small businesses serve local communities and contribute to our Nation's economy. This week, it is my honor to recognize Two Peas Cafe of LaBelle, FL, as the Senate Small Business of the Week.

Two Peas Cafe was founded by childhood friends, Deborah Buchard Klemmer and Vicki Reynolds. Growing up together, Deborah and Vicki spent a number of years working at Deborah's grandmother Ella's restaurant. During that time, they saw firsthand the positive impact that the restaurant had on the community as well as its local and national fame, which included a feature on the Travel channel. After Ella's restaurant closed in March 2011, Deborah and Vicki were determined to carry on her legacy. In August 2013, the duo opened Two Peas Cafe, in honor of Ella's long-time description of them, with the goal of providing the next generation with the same quality service and community atmosphere they had grown up with.

Today, Two Peas Cafe not only continues to serve customers throughout southwest Florida, but also carries on the tradition of Ella's famous homemade pies and original southern-style recipes. With a reputation for good food and a friendly atmosphere, Two Peas Cafe is often packed with eager customers. Deborah and Vicki do not take sole credit for the success of the restaurant, however. They attribute their success to community support. When these two friends decided to open up their own cafe, their family, friends, and neighbors rallied behind them to get the restaurant up and running. By pooling their unique skills and resources, the LaBelle community not only contributed to the establishment of Two Peas Cafe, but also its success.

Considering their cafe a community establishment, Deborah and Vicki remain committed to fundraising, supporting, and participating in LaBelle area events. One example of this community commitment is Two Peas' annual support of Relay for Life and the American Cancer Society. Not only do Deborah and Vicki organize a yearly team to raise money and participate in the event, but for the past 3 years Vicki has been one of the program coordinators. In this role, Vicki has been able to motivate friends, family, and Two Peas staff to join together for a great cause. At LaBelle's Relay for Life this past March, the Two Peas Cafe team raised more than \$20,000 and placed second in the event. Clearly,

small businesses like Two Peas Cafe are just as much a force of community service as they are of economic growth.

Deborah and Vicki exemplify the dedication to service that we all as Americans share. As successful entrepreneurs, they recognized that they were uniquely positioned to bring their community together for a great cause. I am honored to recognize Deborah, Vicki, and the entire team at Two Peas Cafe as the Senate Small Business of the Week. Companies like Two Peas Cafe make me proud to represent Florida, and I look forward to watching their continued growth and success.●

#### 150TH ANNIVERSARY OF THE MOUNT WASHINGTON COG RAILWAY

● Mrs. SHAHEEN. Mr. President, today, on behalf of the New Hampshire congressional delegation, Senator MAGGIE HASSAN and Representatives ANN McLANE KUSTER and CHRIS PAPPAS, I wish to salute the Mount Washington Cog Railway on its 150th anniversary. Once hailed by famed showman P.T. Barnum as the "Second-Greatest Show on Earth," the Cog Railway remains an engineering marvel and a one-of-a-kind experience a full century and a half after its maiden voyage up New Hampshire's highest peak.

A railway summing 6,288-foot Mount Washington was first proposed by New Hampshire native Sylvester Marsh, a retired meatpacker who made a fortune working in Chicago. When he approached the New Hampshire State Legislature for a charter to build his cog-and-rack system, Marsh encountered some skepticism of his innovative design. Legend has it that one lawmaker remarked that Marsh "might as well build a railway to the moon." Marsh got his charter in 1858, and his system found a nickname, "The Railway to the Moon," that it proudly uses to this day.

Construction began in 1866 at the base of the mountain, and it took engineers and builders 3 years to complete the 3¼ mile track to the peak. It opened to fanfare on July 3, 1869, as the world's first mountain cog railway. One of its passengers that first summer was Ulysses S. Grant, who became the first U.S. President to visit Mount Washington. According to newspapers, the President was impressed with the safety and simplicity of the locomotive's air brake system.

The Cog Railway's locomotives embraced technology and ingenuity to push passenger cars up the track and slow their descent. The first locomotive, nicknamed "Old Peppersass" because of its likeness to a pepper sauce bottle, mounted a vertical boiler on twin trunnions in order to keep it upright as it climbed the steep grade. Old Peppersass was eventually replaced in the late 1800s by a fleet of more modern coal-powered steam locomotives, but it remains preserved and on display

at base station. Today, under the direction of current owner Wayne Presby, most locomotives are powered by state-of-the-art biodiesel technology. The new trains are faster, quieter, cleaner, and more efficient, but the Cog Railway still uses a couple of steam locomotives for those who want to experience the trip as it was years ago.

While the locomotives may change with the times, one feature of the Cog Railway has remained a constant: Personnel must maintain a resilient system capable of withstanding extreme and unpredictable weather. Winters come early and leave late atop the Northeast's highest peak, often burying the mountain in several feet of snow. Mount Washington is famous as the site of one of the fastest recorded wind speeds in history: 231 miles per hour in 1934. The Cog Railway weathers torrential rain, heavy snow, blustering winds, and even hurricanes. A severe hurricane battered the mountain in 1938 and destroyed Jacob's Ladder, a steep, curving trestle near the top of the mountain. It was quickly rebuilt with the help of Dartmouth College.

The White Mountains are a majestic site, and there are few better places to behold this beauty than the Mount Washington Cog Railway. It offers spectacular views and brings you to a summit where you can see up to five States and into Canada on a clear day. Moreover, riding the Cog Railway is an experience that ties riders to Sylvester Marsh and a century and a half of steam, steel, and many unforgettable memories.

On behalf of the people of New Hampshire, we ask our colleagues and all Americans to join us in congratulating the Mount Washington Cog Railway on 150 years of service and wishing its staff and many supporters all the best in the coming years.●

## MESSAGES FROM THE HOUSE

### ENROLLED BILL SIGNED

At 9:32 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 299. An act to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. GRASSLEY).

At 10:39 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 3253. An act to provide for certain extensions with respect to the Medicaid program under title XIX of the Social Security Act, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1657. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "24-Epibrassinolide; Exemption from the Requirement of a Tolerance" (FRL 9993-15-OCSP) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1658. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bacillus Amyloliquefaciens Subspecies Plantarum Strain FZB42; Exemption from the Requirement of a Tolerance" (FRL 9994-90-OCSP) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1659. A communication from the Director of the Regulations Management Division, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Single Family Housing Direct and Guaranteed Loan Programs" (RIN0575-AD13) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2019; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1660. A communication from the Acting Secretary of Defense, transmitting a report on the approved retirement of General Robert B. Neller, United States Marine Corps, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-1661. A communication from the Acting Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Michael G. Dana, United States Marine Corps, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-1662. A communication from the Chairman of the Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Appraisal Subcommittee's 2018 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-1663. A communication from the Acting Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to Single Issuer Exemption for Broker-Dealers" (RIN3235-AM47) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-1664. A communication from the Acting Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment to the Timing Requirements for Filing Reports on Form N-Port" (RIN3235-AL42) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-1665. A communication from the Counsel, Legal Division, Bureau of Consumer Financial Protection, transmitting, pursuant to law, the report of a rule entitled "Payday, Vehicle Title, and Certain High-Cost Installment Loans; Delay of Compliance Date; Correcting Amendments" (RIN3170-AA95) received during adjournment of the Senate in the Office of the President of the Senate on

June 17, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-1666. A communication from the Principal Deputy Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Delaware Water Gap National Recreation Area; Removal of Outdated Regulations" (RIN1024-AE46) received during adjournment of the Senate in the Office of the President of the Senate on June 14, 2019; to the Committee on Energy and Natural Resources.

EC-1667. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Plan Approval; Illinois; Infrastructure SIP Requirements for the 2012 PM<sub>2.5</sub> NAAQS; Interstate Transport" (FRL No. 9995-30-Region 5) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Environment and Public Works.

EC-1668. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the Secretary of Commerce's investigation into the effects of imports of automobiles and certain automobile parts on the national security of the United States; to the Committee on Finance.

EC-1669. A communication from the Principal Deputy Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, a report relative to the views of the Department on H.R. 3151, the "Taxpayer First Act"; to the Committee on Finance.

EC-1670. A communication from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting, pursuant to law, a report entitled "June 2019 Report to Congress on Medicaid and CHIP"; to the Committee on Finance.

EC-1671. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Providing a Safe Harbor Under Section 164 for Certain Individuals Who Make a Payment to or for the Use of an Entity Described in Section 170(c) in Return for a State or Local Tax Credit" (Notice 2019-12) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Finance.

EC-1672. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2019 Section 43 Inflation Adjustment" (Notice 2019-36) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Finance.

EC-1673. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Reference Price for Section 451 Credit for Production of Natural Gas from Marginal Wells During Taxable Years Beginning in Calendar Year 2018" (Notice 2019-37) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Finance.

EC-1674. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2019 Marginal Production Rates" (Notice 2019-38) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Finance.

EC-1675. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to



section 3(d) of the Arms Export Control Act, the certification of a proposed transfer of major defense equipment, including four (4) Mk 49 Mod 3 RAM Guidance Missile Launching Systems (GMLS), associated equipment, spares, technical data, and services from the RAM (Rolling Airframe Missile) Program Office to the Government of Qatar with a sales value of approximately \$65,000,000 (Transmittal No. RSAT-18-6272); to the Committee on Foreign Relations.

EC-1676. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(d) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Germany and the United Kingdom to support the design, development, production, manufacture, assembly, operation, repair, testing, maintenance, and modification to develop P200-P400 series gas turbine engines in the amount of \$12,000,000 or more (Transmittal No. DDTC 19-006); to the Committee on Foreign Relations.

EC-1677. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to France, Germany, Switzerland, and the United Kingdom to support the testing, installation, interfacing, and training in operation and intermediate level of maintenance of the Ammunition Handling System for the United Kingdom's Specialist Vehicle Program in the amount of \$50,000,000 or more (Transmittal No. DDTC 18-105); to the Committee on Foreign Relations.

EC-1678. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license for the export of defense articles, including technical data and defense services, to Japan to support the transfer, modification, maintenance, and repair for F135 propulsion system for the F-35 Lightning II for use by the Government of Japan in the amount of \$100,000,000 or more (Transmittal No. DDTC 19-015); to the Committee on Foreign Relations.

EC-1679. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license amendment for the export of defense articles, including technical data and defense services, to the United Kingdom to support the design, development, engineering, production, assembly, testing, repair, rework, maintenance, modification, operation, and processing of components and parts for integration into the TOW Missile System in the amount of \$100,000,000 or more (Transmittal No. DDTC 18-107); to the Committee on Foreign Relations.

EC-1680. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license amendment for the export of defense articles, including technical data and defense services, to Israel to support the qualification, modification, test, repair, assembly, manufacture, and production of components and parts for integration into the Tamir Interceptor (a missile) used in the Iron Dome Program in the amount of \$100,000,000 or more (Transmittal No. DDTC 18-113); to the Committee on Foreign Relations.

EC-1681. A communication from the Assistant Secretary, Legislative Affairs, Department

of State, transmitting, pursuant to sections 36(c) and (d) of the Arms Export Control Act, the certification of a proposed license amendment for the manufacture of significant military equipment abroad and the export of defense articles, including technical data and defense services, to Italy to support the installation, integration, modification, maintenance, and repair for F-35 Advanced Rail Launchers in the amount of \$100,000,000 or more (Transmittal No. DDTC 18-104); to the Committee on Foreign Relations.

EC-1682. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Electronic Filing of Notices for Apprenticeship and Training Plans and Statements for Pension Plans for Certain Select Employees" (RIN2120-AB62) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Health, Education, Labor, and Pensions.

EC-1683. A communication from the Executive Director, Office of Congressional Workplace Rights, transmitting, pursuant to Section 303(a) of the Congressional Accountability Act of 1995, a report relative to adoption of rules governing the procedures of the Office of Congressional Workplace Rights, received in the office of the President pro tempore of the Senate; to the Committee on Homeland Security and Governmental Affairs.

EC-1684. A communication from the Secretary of Labor, transmitting, pursuant to law, the Department's Semiannual Report of the Inspector General for the period from October 1, 2018 through March 31, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1685. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, a report entitled "Federal Student Loan Repayment Program Calendar Year 2017"; to the Committee on Homeland Security and Governmental Affairs.

EC-1686. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Dental and Vision Insurance Program: Extension of Eligibility to Certain TRICARE-Eligible Individuals; Effective Date of Enrollment" (RIN3206-AN58) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1687. A communication from the Acting Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Compensatory Time Off for Adjustment of Work Schedules for Religious Observances and Other Miscellaneous Changes" (RIN3206-AL55) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1688. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2017-006; Exception from Certified Cost or Pricing Data Requirements - Adequate Price Competition" ((RIN9000-AN53) (48 CFR Part 15)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1689. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration,

transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2019-03; Small Entity Compliance Guide" (48 CFR Chapter 1) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1690. A communication from the Senior Procurement Executive, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2019-03; Introduction" (48 CFR Chapter 1) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Homeland Security and Governmental Affairs.

EC-1691. A communication from the Secretary, Judicial Conference of the United States, transmitting, a report relative to Article III judgeship recommendations for the 116th Congress; to the Committee on the Judiciary.

EC-1692. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, twenty-five (25) reports relative to vacancies in the Department of Justice, received in the Office of the President of the Senate on June 13, 2019; to the Committee on the Judiciary.

EC-1693. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA) Quarterly Report to Congress; Second Quarter of Fiscal Year 2019"; to the Committee on Veterans' Affairs.

EC-1694. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to section 36(c) of the Arms Export Control Act, the certification of a proposed license amendment for the export of defense articles, including technical data and defense services, to Denmark to support the integration, installation, operation, training, testing, maintenance, and repair of the Joint Direct Attack Munition (JDAM), Small Diameter Bomb, and Laser Small Diameter Bomb onto the F-16 and F-35 aircraft in the amount of \$25,000,000 or more (Transmittal No. DDTC 18-113); to the Committee on Foreign Relations.

EC-1695. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "List of Fisheries for 2019" (RIN0648-BH96) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1696. A communication from the Attorney Adviser, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "System Safety Program" (RIN2130-AC79) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1697. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Leased Commercial Access; Modernization of Media Regulation Initiative" ((MB Docket Nos. 07-42 and 17-105) (FCC 19-52)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1698. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Auction of Cross-Service FM Translator Construction Permits Scheduled for June 25, 2019; Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction" ((AU Docket No. 17-329) (DA 19-273)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1699. A communication from the Chief of Staff, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of Part 15 of the Commission's Rules for Unlicensed White Space Devices" ((ET Docket Nos. 16-56 and 14-165) (FCC 19-24)) received in the Office of the President of the Senate on June 13, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1700. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of VOR Federal Airways V-8, V-92, V-214, and V-438 in the Vicinity of Grantsville, MD" ((RIN2120-AA66) (Docket No. FAA-2018-1073)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1701. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Monroe, GA" ((RIN2120-AA66) (Docket No. FAA-2019-0206)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1702. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Fort Payne, AL" ((RIN2120-AA66) (Docket No. FAA-2019-0140)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1703. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Manistique, MI" ((RIN2120-AA66) (Docket No. FAA-2019-0105)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1704. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Portland, TN" ((RIN2120-AA66) (Docket No. FAA-2019-0134)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1705. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Tulsa, OK" ((RIN2120-AA66) (Docket No. FAA-2019-

0110)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1706. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Helicopters Deutschland GmbH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2018-0696)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1707. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus SAS Airplanes" ((RIN2120-AA64) (Docket No. FAA-2019-0405)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1708. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters" ((RIN2120-AA64) (Docket No. FAA-2018-0722)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1709. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0708)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1710. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-1004)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1711. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2019-0409)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1712. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc., Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0794)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1713. A communication from the Management and Program Analyst, Federal

Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc., Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-0801)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1714. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc., Airplanes" ((RIN2120-AA64) (Docket No. FAA-2019-0024)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1715. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The BRP-Rotax GmbH & Co KG Engines" ((RIN2120-AA64) (Docket No. FAA-2018-0916)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1716. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; International Aero Engines Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2019-0393)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1717. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2018-1058)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

EC-1718. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce plc Turbofan Engines" ((RIN2120-AA64) (Docket No. FAA-2019-0338)) received during adjournment of the Senate in the Office of the President of the Senate on June 17, 2019; to the Committee on Commerce, Science, and Transportation.

#### PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM—93. A concurrent resolution adopted by the Legislature of the State of Louisiana urging the United States Congress to reassess the entire levee and floodwall system in the southeastern United States; to the Committee on Environment and Public Works.

#### SENATE CONCURRENT RESOLUTION No. 111

Whereas, the United States Army Corps of Engineers (USACE) recently completed the Greater New Orleans Hurricane and Storm Damage Risk Reduction System (HSDRRS) at a cost of over fourteen billion dollars; and

Whereas, the HSDRRS system is a network of levees, floodwalls, gated structures, and pump stations that form the one hundred thirty-three mile Greater New Orleans perimeter system, including three hundred fifty miles of interior levees and floodwalls, and seventy miles of interior risk reduction structures built to protect the Greater New Orleans area after Hurricane Katrina; and

Whereas, the HSDRRS system is one of the largest public works projects in world history, providing Greater New Orleans with the world's largest surge barrier of its kind (the IHNC-Lake Borgne Surge Barrier) and the largest draining pump station in the world (the GIWW-West Closure Complex); and

Whereas, even with all these recent improvements, the USACE recently reported that the HSDRRS system may not be adequate to protect New Orleans in as little as four years due partly to the settling of the levees—a natural phenomenon that is exacerbated by the soft soil in southern Louisiana; and

Whereas, the USACE, in announcing that it is studying system improvements, also cited “the global incidence of sea level rise” in a recent *Federal Register* as a contributing factor for the inadequacy of the existing levees; and

Whereas, the USACE further stated in the *Federal Register* that “absent future levee lifts to offset consolidation, settlement, subsidence, and sea level rise, risk to life and property in the Greater New Orleans area will progressively increase”. Therefore, be it

*Resolved*, That the Legislature of Louisiana memorializes the Congress of the United States to reassess the entire levee and floodwall system in the southeastern United States. Be it further

*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana delegation to the United States Congress.

POM-94. A petition from a citizen of the State of Texas relative to prohibiting any employer from inquiring about salaries of a candidate applying for employment; to the Committee on Health, Education, Labor, and Pensions.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BARRASSO, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 349. A bill to require the Secretary of Transportation to request nominations for, and make determinations regarding, roads to be designated under the national scenic byways program, and for other purposes.

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1014. A bill to establish the Route 66 Centennial Commission, and for other purposes.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1198. A bill to designate the facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, as the “Henderson Veterans Memorial Post Office Building”.

S. 1272. A bill to designate the facility of the United States Postal Service located at 575 Dexter Street in Central Falls, Rhode Island, as the “Elizabeth Buffum Chace Post Office”.

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1345. A bill to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 1449. A bill to designate the facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, as the “Captain Robert L. Martin Post Office”.

By Mr. BARRASSO, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1507. A bill to include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, and for other purposes.

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1689. A bill to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances, and for other purposes.

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 1759. A bill to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the “Richard G. Lugar Post Office Building”.

By Mr. BARRASSO, from the Committee on Environment and Public Works, without amendment:

S. 1833. A bill to transfer a bridge over the Wabash River to the New Harmony River Bridge Authority and the New Harmony and Wabash River Bridge Authority, and for other purposes.

By Mr. SHELBY, from the Committee on Appropriations, without amendment:

S. 1900. An original bill making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. BARRASSO from the Committee on Environment and Public Works.

Robert Wallace, of Wyoming, to be Assistant Secretary for Fish and Wildlife.

William B. Kilbride, of Tennessee, to be a Member of the Board of Directors of the Tennessee Valley Authority for a term expiring May 18, 2023.

By Mr. JOHNSON from the Committee on Homeland Security and Governmental Affairs.

\*John McLeod Barger, of California, to be a Governor of the United States Postal Service for a term expiring December 8, 2021.

\*Troy D. Edgar, of California, to be Chief Financial Officer, Department of Homeland Security.

\*B. Chad Bungard, of Maryland, to be a Member of the Merit Systems Protection Board for the term of seven years expiring March 1, 2025.

\*Jeffrey Byard, of Alabama, to be Administrator of the Federal Emergency Management Agency, Department of Homeland Security.

\*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and tes-

tify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DAINES:

S. 1892. A bill to require tribal liaisons to submit to Congress reports on missing and murdered Indians; to the Committee on Indian Affairs.

By Mr. DAINES:

S. 1893. A bill to require the Comptroller General of the United States to conduct a study on ways to increase reporting of missing Indians and the effects of substance abuse, including the use of methamphetamine, on violent crime in Tribal communities, and for other purposes; to the Committee on Indian Affairs.

By Ms. CORTEZ MASTO (for herself, Mr. MARKEY, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MERKLEY):

S. 1894. A bill to require the Secretary of Homeland Security to use alternatives to detention for certain vulnerable immigrant populations, and for other purposes; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mrs. MURRAY):

S. 1895. A bill to lower health care costs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BLUMENTHAL (for himself, Ms. WARREN, and Mrs. FEINSTEIN):

S. 1896. A bill to amend title 38, United States Code, to provide for a presumption of service connected disability for certain veterans who served in Palomares, Spain, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENNET (for himself and Mr. ENZI):

S. 1897. A bill to establish a process for updating the labeling of certain drugs with outdated labeling; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PERDUE (for himself, Mrs. BLACKBURN, Mr. BRAUN, Mr. COTTON, Mr. GRASSLEY, and Mr. WICKER):

S. 1898. A bill to amend title 5, United States Code, to provide for an alternative removal for performance or misconduct for Federal employees; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CARDIN (for himself and Mr. GARDNER):

S. 1899. A bill to authorize the United States Fish and Wildlife Service to seek compensation for injuries to trust resources and to use funds received as that compensation to restore, replace, or acquire equivalent resources, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SHELBY:

S. 1900. An original bill making emergency supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Ms. CORTEZ MASTO (for herself and Mr. WYDEN):

S. 1901. A bill to promote geothermal energy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, and Mr. BLUMENTHAL):

S. 1902. A bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SMITH (for herself and Mr. YOUNG):

S. 1903. A bill to establish an interagency One Health Program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1904. A bill to prohibit the Secretary of Housing and Urban Development from implementing, administering, or enforcing a proposed rule relating to verification of eligible status; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. BALDWIN (for herself, Mr. CASEY, Mrs. SHAHEEN, Mr. BOOKER, Mr. KAINE, Ms. STABENOW, Ms. HIRONO, Ms. DUCKWORTH, Mr. MERKLEY, Mr. VAN HOLLEN, Ms. HASSAN, Mr. KING, Mr. COONS, Mr. MENENDEZ, Mr. PETERS, Mr. TESTER, Ms. HARRIS, Ms. SMITH, Mr. MURPHY, Ms. ROSEN, Mr. BLUMENTHAL, and Ms. KLOBUCHAR):

S. 1905. A bill to amend the Patient Protection and Affordable Care Act to provide for additional requirements with respect to the navigator program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOZMAN (for himself, Mr. WARNER, Mr. CRAMER, Mr. ROUNDS, and Mr. TILLIS):

S. 1906. A bill to require the Secretary of Veterans Affairs to provide financial assistance to eligible entities to provide and coordinate the provision of suicide prevention services for veterans at risk of suicide and veteran families through the award of grants to such entities, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. SMITH:

S. 1907. A bill to amend the Richard B. Russell National School Lunch Act to prohibit the stigmatization of children who are unable to pay for school meals, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND (for herself and Ms. MURKOWSKI):

S. 1908. A bill to amend the Richard B. Russell National School Lunch Act to improve the efficiency of summer meals; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. GILLIBRAND:

S. 1909. A bill to amend title 23, United States Code, to ensure that Federal-aid highways and bridges are more resilient, and for other purposes; to the Committee on Environment and Public Works.

By Mr. SASSE (for himself and Mrs. FISCHER):

S. 1910. A bill to rename the Homestead National Monument of America near Beatrice, Nebraska, as the Homestead National Historical Park; to the Committee on Energy and Natural Resources.

By Ms. HARRIS:

S. 1911. A bill to amend the Workforce Innovation and Opportunity Act to provide training services linked to employment demand through Upskill Accounts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mr. LANKFORD):

S. 1912. A bill to establish a national, research-based, and comprehensive home study assessment process for the evaluation of prospective foster parents and adoptive parents and provide funding to States and Indian

tribes to adopt such process; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND:

S. 1913. A bill to direct the Secretary of Transportation to establish a bollard installation grant program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HAWLEY:

S. 1914. A bill to amend the Communications Decency Act to encourage providers of interactive computer services to provide content moderation that is politically neutral; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GRAHAM (for himself and Mrs. FEINSTEIN):

S. Res. 252. A resolution designating September 2019 as National Democracy Month as a time to reflect on the contributions of the system of government of the United States to a more free and stable world; to the Committee on the Judiciary.

By Mr. CORNYN (for himself, Mrs. GILLIBRAND, Mr. WICKER, Ms. ROSEN, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. BURR, Mr. CASSIDY, Ms. COLLINS, Mr. CRAMER, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAWLEY, Mr. ISAKSON, Mr. LANKFORD, Mr. LEE, Ms. MCSALLY, Mr. MORAN, Mr. PAUL, Mr. PERDUE, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. TILLIS, Mr. YOUNG, Mr. BLUMENTHAL, Mr. BROWN, Mr. CARPER, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HIRONO, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. CRUZ, Ms. BALDWIN, Mr. BOOKER, and Mr. REED):

S. Res. 253. A resolution designating June 19, 2019, as "Juneteenth Independence Day" in recognition of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States; considered and agreed to.

## ADDITIONAL COSPONSORS

S. 27

At the request of Mr. MANCHIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of S. 27, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 164

At the request of Mr. DAINES, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 164, a bill to amend title 10, United States Code, to remove the prohibition on eligibility for TRICARE Reserve Select of members of the reserve components of the Armed Forces who are eligible to enroll in a health benefits plan under chapter 89 of title 5, United States Code.

S. 179

At the request of Mr. TESTER, the name of the Senator from Massachusetts (Mr. MARKEY) was added as a cosponsor of S. 179, a bill to direct the Secretary of Veterans Affairs to carry out a clinical trial of the effects of cannabis on certain health outcomes of adults with chronic pain and post-traumatic stress disorder, and for other purposes.

S. 191

At the request of Ms. KLOBUCHAR, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 191, a bill to direct the Secretary of Defense to include in periodic health assessments, separation history and physical examinations, and other assessments an evaluation of whether a member of the Armed Forces has been exposed to open burn pits or toxic airborne chemicals, and for other purposes.

S. 203

At the request of Mr. CRAPO, the names of the Senator from Kentucky (Mr. PAUL), the Senator from Missouri (Mr. BLUNT), and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 203, a bill to amend the Internal Revenue Code of 1986 to permanently extend the railroad track maintenance credit, and for other purposes.

S. 208

At the request of Mr. TESTER, the names of the Senator from Michigan (Mr. PETERS) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 208, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 239

At the request of Mrs. SHAHEEN, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Virginia (Mr. KAINE), and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of S. 239, a bill to require the Secretary of the Treasury to mint coins in recognition of Christa McAuliffe.

S. 386

At the request of Mr. LEE, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 386, a bill to amend the Immigration and Nationality Act to eliminate the per-country numerical limitation for employment-based immigrants, to increase the per-country numerical limitation for family-sponsored immigrants, and for other purposes.

S. 428

At the request of Ms. KLOBUCHAR, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 428, a bill to lift the trade embargo on Cuba.

S. 460

At the request of Mr. WARNER, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to extend the exclusion for employer-provided education assistance to employer payments of student loans.

S. 500

At the request of Mr. PORTMAN, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 500, a bill to amend title 54, United States Code, to establish, fund, and provide for the use of amounts in a National Park Service Legacy Restoration Fund to address the maintenance backlog of the National Park Service, and for other purposes.

S. 511

At the request of Mrs. GILLIBRAND, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 511, a bill to promote and protect from discrimination living organ donors.

S. 546

At the request of Mrs. GILLIBRAND, the name of the Senator from Nebraska (Mrs. FISCHER) was added as a cosponsor of S. 546, a bill to extend authorization for the September 11th Victim Compensation Fund of 2001 through fiscal year 2090, and for other purposes.

At the request of Mr. GARDNER, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 546, *supra*.

S. 578

At the request of Mr. WHITEHOUSE, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 578, a bill to amend title II of the Social Security Act to eliminate the five-month waiting period for disability insurance benefits under such title for individuals with amyotrophic lateral sclerosis.

S. 638

At the request of Mr. CARPER, the name of the Senator from Alabama (Mr. JONES) was added as a cosponsor of S. 638, a bill to require the Administrator of the Environmental Protection Agency to designate per- and polyfluoroalkyl substances as hazardous substances under the Comprehensive Environmental Response, Compensation, Liability Act of 1980, and for other purposes.

S. 695

At the request of Mr. SASSE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 695, a bill to amend the Elementary and Secondary Education Act of 1965 to allow parents of eligible military dependent children to establish Military Education Savings Accounts, and for other purposes.

S. 807

At the request of Ms. ERNST, the name of the Senator from Georgia (Mr.

PERDUE) was added as a cosponsor of S. 807, a bill to require recipients of Federal funds to disclose information relating to programs, projects, or activities carried out using the Federal funds.

S. 931

At the request of Mr. CASEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 931, a bill to amend the Internal Revenue Code of 1986 to enhance the Child and Dependent Care Tax Credit and make the credit fully refundable.

S. 970

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 970, a bill to amend the Public Health Service Act to provide for the participation of physical therapists in the National Health Service Corps Loan Repayment Program, and for other purposes.

S. 976

At the request of Mrs. GILLIBRAND, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 976, a bill to amend the Higher Education Act of 1965 and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act to combat campus sexual assault, and for other purposes.

S. 1004

At the request of Mr. PETERS, the name of the Senator from Arizona (Ms. MCSALLY) was added as a cosponsor of S. 1004, a bill to increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry.

S. 1007

At the request of Mr. CRAPO, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1007, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 1015

At the request of Mr. BURR, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. 1015, a bill to require the Director of the Office of Management and Budget to review and make certain revisions to the Standard Occupational Classification System, and for other purposes.

S. 1032

At the request of Mr. PORTMAN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Tennessee (Mrs. BLACKBURN) were added as cosponsors of S. 1032, a bill to amend the Internal Revenue Code of 1986 to modify the definition of income for purposes of determining the tax-exempt status of certain corporations.

S. 1081

At the request of Mr. MANCHIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 1081, a bill to amend title 54, United States Code, to provide permanent, dedicated funding for the Land and Water Conservation Fund, and for other purposes.

S. 1173

At the request of Mr. CASEY, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Hawaii (Mr. SCHATZ), the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of S. 1173, a bill to amend the Public Health Service Act to reauthorize the Emergency Medical Services for Children program.

S. 1232

At the request of Mr. MANCHIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1232, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to provide funds to States and Indian Tribes for the purpose of promoting economic revitalization, diversification, and development in economically distressed communities through the reclamation and restoration of land and water resources adversely affected by coal mining carried out before August 3, 1977, and for other purposes.

S. 1247

At the request of Mr. BLUMENTHAL, the names of the Senator from Maryland (Mr. CARDIN), the Senator from Connecticut (Mr. MURPHY), the Senator from Vermont (Mr. SANDERS), the Senator from Minnesota (Ms. SMITH) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 1247, a bill to amend the Federal Election Campaign Act of 1971 to require reporting to the Federal Election Commission and the Federal Bureau of Investigation of offers by foreign nationals to make prohibited contributions, donations, expenditures, or disbursements, and for other purposes.

S. 1427

At the request of Mr. COONS, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1427, a bill to amend the National Institute of Standards and Technology Act to improve the Network for Manufacturing Innovation Program, and for other purposes.

S. 1445

At the request of Mr. SCHUMER, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1445, a bill to provide a coordinated regional response to manage effectively the endemic violence and humanitarian crisis in El Salvador, Guatemala, and Honduras.

S. 1476

At the request of Mrs. GILLIBRAND, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 1476, a bill to waive the 24-



month waiting period for Medicare eligibility for individuals disabled by Huntington's disease.

S. 1539

At the request of Mr. PORTMAN, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of S. 1539, a bill to amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks, and for other purposes.

S. 1618

At the request of Mr. SCHATZ, the names of the Senator from Maine (Mr. KING), the Senator from West Virginia (Mrs. CAPITO) and the Senator from Mississippi (Mrs. HYDE-SMITH) were added as cosponsors of S. 1618, a bill to amend the Public Health Service Act to expand the capacity to improve health outcomes and increase access to specialized care.

S. 1644

At the request of Mr. TOOMEY, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 1644, a bill to ensure that State and local law enforcement may cooperate with Federal officials to protect our communities from violent criminals and suspected terrorists who are illegally present in the United States.

S. 1731

At the request of Mr. RUBIO, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 1731, a bill to amend the Sarbanes-Oxley Act of 2002 to require the Public Company Accounting Oversight Board to maintain a list of certain foreign issuers, and for other purposes.

S. 1738

At the request of Mr. PETERS, the name of the Senator from Indiana (Mr. YOUNG) was added as a cosponsor of S. 1738, a bill to require the Secretary of Labor to take initiatives to measure the impact of automation on the workforce in order to inform workforce development strategies, and for other purposes.

S. 1750

At the request of Ms. HARRIS, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1750, a bill to establish the Clean School Bus Grant Program, and for other purposes.

S. 1753

At the request of Mr. LEE, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 1753, a bill to promote accountability and effective administration in the execution of laws by restoring the original understanding of the President's constitutional power to remove subordinates from office.

S. 1788

At the request of Mr. GRAHAM, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1788, a bill to amend chapter 44 of title 18, United States Code, to enhance pen-

alties for theft of a firearm from a Federal firearms licensee.

S. 1791

At the request of Mrs. GILLIBRAND, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1791, a bill to prohibit discrimination on the basis of religion, sex (including sexual orientation and gender identity), and marital status in the administration and provision of child welfare services, to improve safety, well-being, and permanency for lesbian, gay, bisexual, transgender, and queer or questioning foster youth, and for other purposes.

S. 1806

At the request of Mr. ROMNEY, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 1806, a bill to make the E-Verify program permanent, and for other purposes.

S. 1824

At the request of Mr. CRUZ, the name of the Senator from North Dakota (Mr. CRAMER) was added as a cosponsor of S. 1824, a bill to amend the United States-Hong Kong Policy Act of 1992 to require a report on how the People's Republic of China exploits Hong Kong to circumvent the laws of the United States.

S. 1830

At the request of Mr. BARRASSO, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 1830, a bill to enhance the security of the United States and its allies, and for other purposes.

S. 1844

At the request of Mr. VAN HOLLEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 1844, a bill to provide for a grant program for handgun licensing programs, and for other purposes.

S. 1849

At the request of Ms. MCSALLY, the name of the Senator from Arizona (Ms. SINEMA) was added as a cosponsor of S. 1849, a bill to provide flexibility and improve the effectiveness of the Four Forests Restoration Initiative in the State of Arizona.

S. 1862

At the request of Mr. MENENDEZ, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of S. 1862, a bill to limit the fees charged and collected from applicants for naturalization and related benefits based on poverty, and for other purposes.

S. 1889

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1889, a bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent the formation of corporations with hidden owners, stop the misuse of United States corporations

by wrongdoers, and assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, tax evasion, and other criminal and civil misconduct involving United States corporations, and for other purposes.

S.J. RES. 49

At the request of Mr. DAINES, the name of the Senator from Idaho (Mr. CRAPO) was added as a cosponsor of S.J. Res. 49, a joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States.

S. CON. RES. 9

At the request of Mr. ROBERTS, the name of the Senator from Idaho (Mr. RISCH) was added as a cosponsor of S. Con. Res. 9, a concurrent resolution expressing the sense of Congress that tax-exempt fraternal benefit societies have historically provided and continue to provide critical benefits to the people and communities of the United States.

S. CON. RES. 19

At the request of Mr. CORNYN, the names of the Senator from Florida (Mr. RUBIO), the Senator from Florida (Mr. SCOTT), the Senator from Louisiana (Mr. CASSIDY), the Senator from Georgia (Mr. ISAKSON), the Senator from North Dakota (Mr. CRAMER), the Senator from West Virginia (Mrs. CAPITO), the Senator from Colorado (Mr. GARDNER), the Senator from Kansas (Mr. ROBERTS), the Senator from Indiana (Mr. BRAUN), the Senator from Kansas (Mr. MORAN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Missouri (Mr. HAWLEY), the Senator from Alabama (Mr. SHELBY), the Senator from Michigan (Mr. PETERS), the Senator from Massachusetts (Mr. MARKEY), the Senator from Virginia (Mr. KAINE), the Senator from Illinois (Mr. DURBIN), the Senator from Connecticut (Mr. BLUMENTHAL), the Senator from Alabama (Mr. JONES), the Senator from Arizona (Ms. SINEMA) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. Con. Res. 19, a concurrent resolution celebrating the 50th anniversary of the Apollo 11 Moon landing.

S. RES. 78

At the request of Mr. PERDUE, the name of the Senator from Indiana (Mr. BRAUN) was added as a cosponsor of S. Res. 78, a resolution recognizing the national debt as a threat to national security.

S. RES. 112

At the request of Mr. BOOZMAN, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. Res. 112, a resolution expressing the sense of the Senate that the United States condemns all forms of violence against children globally and recognizes the harmful impacts of violence against children.

S. RES. 188

At the request of Mr. CRUZ, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S.



Res. 188, a resolution encouraging a swift transfer of power by the military to a civilian-led political authority in the Republic of the Sudan, and for other purposes.

## AMENDMENT NO. 301

At the request of Mr. MANCHIN, the names of the Senator from New York (Mr. SCHUMER) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 301 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 309

At the request of Mr. PERDUE, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 309 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 343

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of amendment No. 343 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 346

At the request of Mr. HOEVEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 346 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 348

At the request of Ms. BALDWIN, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 348 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 370

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a

cosponsor of amendment No. 370 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 375

At the request of Ms. KLOBUCHAR, the names of the Senator from Minnesota (Ms. SMITH), the Senator from Texas (Mr. CORNYN) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 375 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 388

At the request of Mr. WARNER, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Nevada (Ms. CORTEZ MASTO) were added as cosponsors of amendment No. 388 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 413

At the request of Ms. BALDWIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of amendment No. 413 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 417

At the request of Mr. CARPER, the names of the Senator from Alabama (Mr. JONES), the Senator from West Virginia (Mr. MANCHIN), the Senator from California (Ms. HARRIS), the Senator from Oregon (Mr. MERKLEY), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 417 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 424

At the request of Mr. GARDNER, the name of the Senator from Texas (Mr.

CORNYN) was added as a cosponsor of amendment No. 424 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 425

At the request of Mr. HOEVEN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 425 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 455

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 455 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 495

At the request of Mr. ENZI, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 495 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 505

At the request of Mr. WICKER, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of amendment No. 505 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 514

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 514 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 520

At the request of Mr. WARNER, the name of the Senator from California (Ms. HARRIS) was added as a cosponsor of amendment No. 520 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 542

At the request of Mr. COONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 542 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 563

At the request of Mr. CRUZ, the name of the Senator from Connecticut (Mr. MURPHY) was added as a cosponsor of amendment No. 563 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 566

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 566 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 576

At the request of Mr. UDALL, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Pennsylvania (Mr. CASEY), the Senator from Vermont (Mr. LEAHY), the Senator from New Jersey (Mr. BOOKER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 576 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 584

At the request of Mr. JOHNSON, the names of the Senator from Maine (Ms. COLLINS) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of amendment No. 584 in-

tended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 586

At the request of Mr. MARKEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 586 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 590

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 590 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 591

At the request of Mr. CORNYN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from Kansas (Mr. MORAN) were added as cosponsors of amendment No. 591 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 592

At the request of Mr. CORNYN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of amendment No. 592 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 593

At the request of Mr. CORNYN, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of amendment No. 593 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 637

At the request of Mr. MARKEY, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 637 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 641

At the request of Mrs. MURRAY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 641 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 645

At the request of Mr. BLUMENTHAL, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from New Mexico (Mr. UDALL), the Senator from New York (Mrs. GILLIBRAND), the Senator from California (Ms. HARRIS), the Senator from Massachusetts (Ms. WARREN), the Senator from Connecticut (Mr. MURPHY) and the Senator from Minnesota (Ms. SMITH) were added as cosponsors of amendment No. 645 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 646

At the request of Mrs. SHAHEEN, the names of the Senator from Illinois (Ms. DUCKWORTH) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 646 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 663

At the request of Mr. ENZI, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of amendment No. 663 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 668

At the request of Mr. MARKEY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 668 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 669

At the request of Mr. MARKEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 669 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 671

At the request of Mr. MARKEY, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of amendment No. 671 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 682

At the request of Mr. HAWLEY, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 682 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 688

At the request of Mr. LEE, the name of the Senator from Oklahoma (Mr. LANKFORD) was added as a cosponsor of amendment No. 688 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 690

At the request of Ms. ERNST, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of amendment No. 690 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year

2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 693

At the request of Mr. ROMNEY, the names of the Senator from Mississippi (Mrs. HYDE-SMITH) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of amendment No. 693 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 694

At the request of Mrs. CAPITO, the names of the Senator from West Virginia (Mr. MANCHIN), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from North Carolina (Mr. TILLIS) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of amendment No. 694 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 697

At the request of Ms. WARREN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of amendment No. 697 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 698

At the request of Mr. BROWN, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 698 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 713

At the request of Mr. CARDIN, the names of the Senator from New Jersey (Mr. BOOKER) and the Senator from California (Ms. HARRIS) were added as cosponsors of amendment No. 713 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of De-

fense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 722

At the request of Mr. WARNER, the names of the Senator from New Hampshire (Mrs. SHAHEEN), the Senator from Maine (Mr. KING), the Senator from Colorado (Mr. BENNET) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of amendment No. 722 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 734

At the request of Mr. PAUL, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of amendment No. 734 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## AMENDMENT NO. 735

At the request of Mr. CORNYN, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of amendment No. 735 intended to be proposed to S. 1790, an original bill to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

## SUBMITTED RESOLUTIONS

SENATE RESOLUTION 252—DESIGNATING SEPTEMBER 2019 AS NATIONAL DEMOCRACY MONTH AS A TIME TO REFLECT ON THE CONTRIBUTIONS OF THE SYSTEM OF GOVERNMENT OF THE UNITED STATES TO A MORE FREE AND STABLE WORLD

Mr. GRAHAM (for himself and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

## S. RES. 252

Whereas, 2,000 years after the ancient Greeks laid the groundwork for democracy, the founders of the United States built an even greater system of government, a democratic republic, propelling the United States to become the most advanced nation in human history;

Whereas the model of government of the United States has been reproduced around the world;

Whereas, according to Freedom House, more than 1 in 3 people in the world do not live in states considered free;

Whereas the Constitution of the United States and the Bill of Rights, with the addition of the Reconstruction Era amendments, including the 14th and 15th Amendments, and the 19th Amendment, enshrine the rights and civil liberties of citizens of the United States, including the right to vote in free and fair elections;

Whereas the perpetuation of the ideals of democracy does not happen on its own, and can be stalled or reversed;

Whereas surveys show that citizens of the United States are losing faith in the democratic system;

Whereas former Supreme Court Justice Sandra Day O'Connor said, "The practice of democracy is not passed down through the gene pool. It must be taught and learned anew by each generation of citizens.";

Whereas President John F. Kennedy said, "Democracy is never a final achievement. It is a call to untiring effort, to continual sacrifice and to the willingness, if necessary, to die in its defense.";

Whereas President Ronald Reagan said, "Democracy is worth dying for, because it's the most deeply honorable form of government ever devised by man.";

Whereas World War II demonstrated the fragility of democracy and the civilized life that accompanies democracy;

Whereas British Prime Minister Winston Churchill observed that, "Indeed it has been said that democracy is the worst form of Government except for all those other forms that have been tried from time to time . . . .";

Whereas President George Washington said the United States must recognize the immense value of the national Union and work towards preservation of that Union with "jealous anxiety", and wrote that the security of a free Constitution may be accomplished by "teaching the people themselves to know and to value their own rights";

Whereas President Thomas Jefferson wrote, "Educate and inform the whole mass of the people . . . . They are the only sure reliance for the preservation of our liberty.";

Whereas evidence of the diminution of strong support for democratic principles in recent years among citizens of the United States suggests the Government of the United States must once more teach and educate the people by taking appropriate actions to highlight and emphasize the importance of democratic principles and the essential role of democratic principles in the freedoms and way of life enjoyed by the people of the United States: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates September 2019 as "National Democracy Month";

(2) encourages States and local governments to designate September 2019 as "National Democracy Month";

(3) recognizes the celebration of "National Democracy Month" as a time to reflect on the contributions of the system of government of the United States to a more free and stable world; and

(4) encourages the people of the United States to observe "National Democracy Month" with appropriate ceremonies and activities that—

(A) provide appreciation for the system of government of the United States; and

(B) demonstrate that the people of the United States shall never forget the sacrifices made by past generations of people of the United States to preserve the freedoms and principles of the United States.

SENATE RESOLUTION 253—DESIGNATING JUNE 19, 2019, AS "JUNETEENTH INDEPENDENCE DAY" IN RECOGNITION OF JUNE 19, 1865, THE DATE ON WHICH NEWS OF THE END OF SLAVERY REACHED THE SLAVES IN THE SOUTHWESTERN STATES

Mr. CORNYN (for himself, Mrs. GILLIBRAND, Mr. WICKER, Ms. ROSEN, Mrs. BLACKBURN, Mr. BLUNT, Mr. BOOZMAN, Mr. BRAUN, Mr. BURR, Mr. CASSIDY, Ms. COLLINS, Mr. CRAMER, Mrs. FISCHER, Mr. GRASSLEY, Mr. HAWLEY, Mr. ISAKSON, Mr. LANKFORD, Mr. LEE, Ms. MCSALLY, Mr. MORAN, Mr. PAUL, Mr. PERDUE, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. SCOTT of South Carolina, Mr. TILLIS, Mr. YOUNG, Mr. BLUMENTHAL, Mr. BROWN, Mr. CARPER, Mr. COONS, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Ms. HARRIS, Ms. HIRONO, Mr. JONES, Mr. KAINE, Mr. KING, Ms. KLOBUCHAR, Mr. MARKEY, Mr. MENENDEZ, Mr. MURPHY, Mrs. MURRAY, Mr. PETERS, Ms. SMITH, Ms. STABENOW, Mr. VAN HOLLEN, Mr. WARNER, Ms. WARREN, Mr. WHITEHOUSE, Mr. WYDEN, Mr. CRUZ, Ms. BALDWIN, Mr. BOOKER, and Mr. REED) submitted the following resolution; which was considered and agreed to:

S. RES. 253

Whereas news of the end of slavery did not reach the frontier areas of the United States, in particular the State of Texas and the other Southwestern States, until months after the conclusion of the Civil War, more than 2½ years after President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863;

Whereas, on June 19, 1865, Union soldiers, led by Major General Gordon Granger, arrived in Galveston, Texas, with news that the Civil War had ended and the enslaved were free;

Whereas African Americans who had been slaves in the Southwest celebrated June 19, commonly known as "Juneteenth Independence Day", as inspiration and encouragement for future generations;

Whereas African Americans from the Southwest have continued the tradition of observing Juneteenth Independence Day for more than 150 years;

Whereas Juneteenth Independence Day began as a holiday in the State of Texas and is now celebrated in 45 States and the District of Columbia as a special day of observance in recognition of the emancipation of all slaves in the United States;

Whereas Juneteenth Independence Day celebrations have been held to honor African-American freedom while encouraging self-development and respect for all cultures;

Whereas the faith and strength of character demonstrated by former slaves and the descendants of former slaves remain an example for all people of the United States, regardless of background, religion, or race;

Whereas slavery was not officially abolished until the ratification of the 13th Amendment to the Constitution of the United States in December 1865; and

Whereas, over the course of its history, the United States has grown into a symbol of democracy and freedom around the world: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates June 19, 2019, as "Juneteenth Independence Day";

(2) recognizes the historical significance of Juneteenth Independence Day to the United States;

(3) supports the continued nationwide celebration of Juneteenth Independence Day to provide an opportunity for the people of the United States to learn more about the past and to better understand the experiences that have shaped the United States; and

(4) recognizes that the observance of the end of slavery is part of the history and heritage of the United States.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 756. Mr. PERDUE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table.

SA 757. Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 758. Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 759. Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 760. Mr. SASSE (for himself, Mr. COTTON, Mr. CRUZ, Mr. SCOTT of South Carolina, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 761. Mr. SASSE (for himself, Mr. KING, Mr. ROUNDS, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 762. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 763. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 764. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 765. Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 766. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 767. Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 768. Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 769. Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 770. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 771. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 772. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 773. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 774. Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 775. Mr. RUBIO submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 776. Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 777. Mr. LANKFORD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 778. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 779. Ms. McSALLY submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 780. Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 781. Mr. KING (for himself, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 782. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 783. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 784. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 785. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 786. Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 787. Ms. HIRONO (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 788. Ms. HIRONO (for herself and Mr. GARDNER) submitted an amendment intended to be proposed by her to the bill S. 1790, supra; which was ordered to lie on the table.

SA 789. Mr. MURPHY (for himself, Mr. BLUMENTHAL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 790. Mr. PETERS (for himself and Mr. PORTMAN) submitted an amendment intended

to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 791. Mr. WYDEN (for himself, Mr. RISCH, Mr. MERKLEY, Ms. COLLINS, Mr. CRAPO, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 792. Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 793. Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 1790, supra; which was ordered to lie on the table.

SA 794. Mr. WARNER (for himself, Mr. CORNYN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 795. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 796. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 797. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 798. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 799. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 800. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 801. Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

SA 802. Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, supra; which was ordered to lie on the table.

#### TEXT OF AMENDMENTS

**SA 756.** Mr. PERDUE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. 108. SENSE OF CONGRESS ON THE NATIONAL DEBT AS A THREAT TO NATIONAL SECURITY.

(a) FINDINGS.—Congress finds that—

(1) in February 2019, the total public debt outstanding was more than \$22,000,000,000,000, resulting in a total interest expense of more than \$192,000,000,000 for fiscal year 2019;

(2) on December 21, 2018, the total public debt as a percentage of gross domestic product was 104 percent;

(3) the last balanced Federal budget was signed into law in 1997;

(4) in fiscal year 2018, Federal tax receipts totaled \$3,329,000,000,000, but Federal outlays totaled \$4,108,000,000,000, leaving the Federal Government with a 1-year deficit of \$779,000,000,000;

(5) every year since the last balanced Federal budget was signed in 1997, Congress has failed to maintain a fiscally responsible budget and has typically relied on raising the debt ceiling;

(6) the Social Security and Medicare Boards of Trustees project that the Federal Hospital Insurance Trust Fund will be depleted in 2026;

(7) the Social Security and Medicare Boards of Trustees project that the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund will be depleted in 2034;

(8) the credit rating of the United States was reduced by Standard and Poor's from AAA to AA+ on August 5, 2011, and has remained at that level since that date;

(9) without a targeted effort to balance the Federal budget, the credit rating of the United States is certain to continue to fall;

(10) the National Security Strategy issued by President Donald Trump highlights the need to reduce the national debt through fiscal responsibility;

(11) on April 12, 2018, former Secretary of Defense James Mattis warned that "any Nation that can't keep its fiscal house in order eventually cannot maintain its military power";

(12) on March 6, 2018, Director of National Intelligence Dan Coats warned: "Our continued plunge into debt is unsustainable and represents a dire future threat to our economy and to our national security";

(13) on November 15, 2017, former Secretaries of Defense Leon Panetta, Ash Carter, and Chuck Hagel warned: "Increase in the debt will, in the absence of a comprehensive budget that addresses both entitlements and revenues, force even deeper reductions in our national security capabilities"; and

(14) on September 22, 2011, former Chairman of the Joint Chiefs of Staff Michael Mullen warned: "I believe the single, biggest threat to our national security is debt".

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the national debt is a threat to the national security of the United States;

(2) deficits are unsustainable, irresponsible, and dangerous; and

(3) Congress should commit to addressing the fiscal crisis faced by the United States.

**SA 757.** Mr. MANCHIN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ . CONGRESSIONAL COMMISSION ON PREVENTING, COUNTERING, AND RESPONDING TO NUCLEAR AND RADIOLOGICAL TERRORISM.**

(a) **ESTABLISHMENT.**—There is hereby established a commission, to be known as the “Congressional Commission on Preventing, Countering, and Responding to Nuclear and Radiological Terrorism” (referred to in this Act as the “Commission”), which shall develop a comprehensive strategy to prevent, counter, and respond to nuclear and radiological terrorism.

(b) **COMPOSITION.**—

(1) **MEMBERSHIP.**—The Commission shall be composed of 12 members, of whom—

(A) 1 shall be appointed by the majority leader of the Senate;

(B) 1 shall be appointed by the minority leader of the Senate;

(C) 1 shall be appointed by the Speaker of the House of Representatives;

(D) 1 shall be appointed by the minority leader of the House of Representatives;

(E) 1 shall be appointed by the chairman of the Committee on Armed Services of the Senate;

(F) 1 shall be appointed by the ranking minority member of the Committee on Armed Services of the Senate;

(G) 1 shall be appointed by the chairman of the Committee on Armed Services of the House of Representatives;

(H) 1 shall be appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives;

(I) 1 shall be appointed by the chairman of the Committee on Homeland Security and Governmental Affairs of the Senate;

(J) 1 shall be appointed by the ranking minority member of the Committee on Homeland Security and Governmental Affairs of the Senate;

(K) 1 shall be appointed by the chairman of the Committee on Homeland Security of the House of Representatives; and

(L) 1 shall be appointed by the ranking minority member of the Committee on Homeland Security of the House of Representatives.

(2) **CHAIRMAN; VICE CHAIRMAN.**—

(A) **CHAIRMAN.**—The chair of the Committee on Homeland Security and Governmental Affairs of the Senate and the chair of the Committee on Homeland Security of the House of Representatives shall jointly designate 1 member of the Commission to serve as Chair of the Commission.

(B) **VICE CHAIRMAN.**—The ranking member of the Committee on Armed Services of the Senate and the ranking member of the Committee on Armed Services of the House of Representatives shall jointly designate 1 member of the Commission to serve as Vice Chair of the Commission.

(3) **PERIOD OF APPOINTMENT; VACANCIES.**—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(c) **DUTIES.**—

(1) **REVIEW.**—After conducting a review of the United States’ current strategy, outlined in the National Strategy for Countering Weapons of Mass Destruction Terrorism, to prevent, counter, and respond to nuclear and radiological terrorism, the Commission shall develop a comprehensive strategy that—

(A) identifies national and international nuclear and radiological terrorism risks and critical emerging threats;

(B) prevents state and nonstate actors from acquiring the technologies, materials, and critical expertise needed to mount nuclear or radiological attacks;

(C) counters efforts by state and nonstate actors to mount such attacks;

(D) responds to nuclear and radiological terrorism incidents to attribute their origin and help manage their consequences;

(E) provides the projected resources to implement and sustain the strategy;

(F) delineates indicators for assessing progress toward implementing the strategy;

(G) makes recommendations for improvements to the National Strategy for Countering Weapons of Mass Destruction Terrorism;

(H) determines whether a Nuclear Nonproliferation Council is needed to oversee and coordinate nuclear nonproliferation, nuclear counterproliferation, nuclear security, and nuclear arms control activities and programs of the United States Government; and

(I) if the Commission determines that such council is needed, provides recommendations regarding—

(i) appropriate council membership;

(ii) frequency of meetings;

(iii) responsibilities of the council;

(iv) coordination within the United States Government; and

(v) congressional reporting requirements.

(2) **ASSESSMENT AND RECOMMENDATIONS.**—

(A) **ASSESSMENT.**—The Commission shall assess the benefits and risks associated with the current United States strategy in relation to nuclear terrorism.

(B) **RECOMMENDATIONS.**—The Commission shall develop recommendations regarding the most effective nuclear terrorism strategy.

(d) **COOPERATION FROM GOVERNMENT.**—

(1) **COOPERATION.**—In carrying out its duties, the Commission shall receive the full and timely cooperation of the Secretary of Defense, the Secretary of Energy, and the Secretary of Homeland Security in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.

(2) **LIAISON.**—The Secretary of Defense, the Secretary of Energy, and the Secretary of Homeland Security shall each designate at least 1 officer or employee of the Department of Defense, the Department of Energy, and the Department of Homeland Security, respectively, to serve as a liaison officer with the Commission.

(e) **STRATEGIC REPORT.**—

(1) **IN GENERAL.**—Not later than December 1, 2020, the Commission shall submit a strategic report containing the Commission’s findings, conclusions, and recommendations to—

(A) the President;

(B) the Secretary of Defense;

(C) the Secretary of Energy;

(D) the Secretary of Homeland Security;

(E) the Committee on Armed Services of the Senate; and

(F) the Committee on Armed Services of the House of Representatives.

(2) **CONTENTS.**—The report required under paragraph (1) shall outline how the Federal Government will—

(A) encourage and incentivize other countries and relevant international organizations, such as the International Atomic Energy Agency and INTERPOL, to make nuclear and radiological security a priority;

(B) improve cooperation, with a focus on developing and deploying technologies to detect and prevent illicit transfers of weapons of mass destruction-related materials, equipment, and technology, and appropriate integration among Federal entities and Federal, State, and tribal governments; and

(C) improve cooperation, with a focus on developing and deploying technologies to detect and prevent illicit transfers of weapons of mass destruction-related materials, equipment, and technology, between the United States and other countries and international

organizations, while focusing on cooperation with China, India, Pakistan, and Russia.

(f) **TERMINATION.**—The Commission shall terminate on the date on which the report is submitted under subsection (e)(1).

**SA 758.** Mr. SCHUMER (for himself and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title XXXI, add the following:

**SEC. 3105. ADDITIONAL AMOUNT FOR INERTIAL CONFINEMENT FUSION IGNITION AND HIGH YIELD PROGRAM.**

(a) **IN GENERAL.**—The amount authorized to be appropriated to the Department of Energy by section 3101 for fiscal year 2020 and available as specified in the funding table in section 4701 for research, development, test and evaluation for weapons activities for the inertial confinement fusion ignition and high yield program is hereby increased by \$40,000,000.

(b) **OFFSET.**—The amount authorized to be appropriated to the Department of Energy by section 3101 for fiscal year 2020 and available as specified in the funding table in section 4701 for infrastructure and operations—

(1) for maintenance and repair of facilities, is hereby decreased by \$20,000,000; and

(2) for recapitalization for infrastructure and safety, is hereby decreased by \$20,000,000.

**SA 759.** Mr. THUNE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 342. REPORT ON NATIONAL AIRSPACE OF UNITED STATES.**

(a) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Director of Training and Readiness of the Air Force, in consultation with the Administrator of the Federal Aviation Administration and the heads of such other Federal agencies as the Secretary of Defense considers appropriate, shall submit to the congressional defense committees a report on the national airspace of the United States.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the strategic importance of the national airspace of the United States.

(2) An assessment of whether the current airspace system is sufficient to ensure components of the Department of Defense have sufficient access to airspace to meet worldwide operational, training, exercise, test, and evaluation requirements for peacetime, contingency, and wartime operations, including an assessment of the following:

(A) Whether current civil and military cooperation mechanisms are providing for the effective and efficient management of the national airspace for purposes of training members of the Armed Forces.



(B) Whether current civil and military cooperation mechanisms provide sufficient notice to permit the planning of large force exercises, including any necessary waivers for altitudes, short notice testing requirements, and other purposes.

(C) Whether temporary or permanent realignment of the jurisdictional boundaries of air route traffic control centers of the Federal Aviation Administration would improve current civil and military cooperation mechanisms for conducting large force exercises.

(D) Whether the current airspace system is sufficient to meet the training needs of aviators in the Armed Forces to meet high-end threats, including 5th generation aircraft, unmanned aerial vehicles, and hypersonic weapons.

(E) Whether current civil and military cooperation mechanisms can sufficiently address the need to replicate contested combat airspace, denied access combat airspace, and airspace without use of Global Positioning System for training of members of the Armed Forces.

(F) Whether current civil and military cooperation mechanisms provide sufficient notice to commercial and general aviation regarding exercises and special use waivers.

(3) An audit of the national airspace, including an audit of the following:

- (A) Special use airspaces.
- (B) Military operations areas.
- (C) Temporary military operations areas.
- (D) Commercial flight routes.
- (E) Instrument routes.
- (F) Visual routes.
- (G) Unfulfilled user requirements.

(H) Whether underutilized airspaces can be returned to the national airspace system to enhance commercial route efficiencies in high-traffic areas in exchange for expanded training for the Armed Forces in low-traffic areas.

(I) Proposed options and solutions to overcome challenges identified in paragraph (2), including identifying whether—

(i) a solution or solutions can be incorporated within the existing memorandum of understanding between the Federal Aviation Administration and the Department of Defense with respect to the national airspace; or

(ii) changes to current law are required.

**SA 760.** Mr. SASSE (for himself, Mr. COTTON, Mr. CRUZ, Mr. SCOTT of South Carolina, and Mr. SCOTT of Florida) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part I of subtitle F of title V, add the following:

**SEC. \_\_\_\_ . MILITARY EDUCATION SAVINGS ACCOUNTS.**

(a) IN GENERAL.—The Secretary of Education (referred to in this section as the “Secretary”), in consultation with the Secretary of Defense, shall carry out a program under which the Secretary shall—

(1) at the request of a parent of an eligible military dependent child, establish an account on behalf of such child (to be known as a “Military Education Savings Account”) into which the Secretary shall deposit funds in an amount determined under subsection (d); and

(2) establish a procedure under which the parent of the child may use funds in the account to pay for the educational expenses of the child in accordance with this section.

(b) APPLICATION.—

(1) IN GENERAL.—To be eligible to participate in the program under this section for a school year, a parent of an eligible military dependent child shall submit an application to the Secretary in accordance with this subsection.

(2) APPLICATION PROCESS.—In carrying out paragraph (1), the Secretary shall—

(A) accept applications on a year-round basis and establish procedures for approving applications in an expeditious manner; and

(B) create a standardized form that parents can use to apply for the program and ensure that such form is readily available in written and electronic formats, including on a publicly accessible website.

(3) APPROVAL.—Subject to the availability of funds to carry out this section, the Secretary shall approve the application of a parent to establish a Military Education Savings Account if—

(A) the application is submitted in accordance with the application process established by the Secretary pursuant to this subsection;

(B) the application demonstrates that the child on whose behalf the Military Education Savings Account is to be established is an eligible military dependent child; and

(C) the parent who submits the application enters into a written agreement with the Secretary under which the parent agrees—

(i) to provide the child with instruction in, at minimum, the fields of reading, language, mathematics, science, and social studies;

(ii) to not enroll the child in a public elementary school or a public secondary school, on a full-time basis while participating in the program;

(iii) to use funds in the Military Education Savings Account only for the purposes authorized under this section; and

(iv) to comply with all other requirements of this section.

(4) RENEWALS.—The Secretary shall establish a process for the automatic renewal of a previously established Military Education Savings Account except in cases in which—

(A) the parents of the child on whose behalf the account was established choose not to renew the account; or

(B) the account was used to commit fraud or was otherwise not used in accordance with the requirements of this section.

(c) PRIORITY IN THE EVENT OF INSUFFICIENT FUNDS.—

(1) IN GENERAL.—If the funds appropriated to carry out this section are insufficient to enable the Secretary to establish and fully fund a Military Education Savings Account for each eligible military dependent child whose parent has an application approved under subsection (b) for a school year, the Secretary shall—

(A) first renew and fully fund previously established Military Education Savings Accounts; and

(B) if funds remain available after renewing all accounts under subparagraph (A), conduct the lottery described in paragraph (3) to select the children on whose behalf accounts will be established using the remaining funds.

(2) TRANSFER AUTHORITY.—Notwithstanding any other provision of law, the Secretary may transfer amounts from any account of the Department of Education to renew and fully fund previously established Military Education Savings Accounts under paragraph (1)(A). The authority to transfer amounts under the preceding sentence shall not be subject to any transfer or reprogram-

ming requirements under any other provision of law.

(3) LOTTERY.—The lottery described in this paragraph is a lottery in which—

(A) siblings of children on whose behalf Military Education Savings Accounts have previously been established have the highest probability of selection;

(B) children of enlisted members have the next-highest probability of selection after the children described in subparagraph (A);

(C) children of warrant officers have the next-highest probability of selection after the children described in subparagraph (B); and

(D) children of commissioned officers have the lowest probability of selection.

(d) AMOUNT OF DEPOSITS.—

(1) FIRST YEAR OF PROGRAM.—The amount of funds deposited into each Military Education Savings Account for the first school year for which such accounts are established under this section shall be \$6000 for each eligible military dependant child covered by the account.

(2) SUBSEQUENT YEARS.—The amount of funds deposited into each Military Education Savings Account for any school year after the year described in paragraph (1), shall be the amount determined under this subsection for the previous school year increased by a percentage equal to the percentage increase in the Chained Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor) over the period of such previous school year.

(e) USE OF FUNDS.—Funds deposited into a Military Education Savings Account for a school year may be used by the parent of an eligible military dependent child to make payments to a qualified educational service provider that is approved by the Secretary under subsection (f)(1) for—

(1) costs of attendance at a private elementary school or secondary school recognized by the State, which may include a private school that has a religious mission;

(2) private online learning programs;

(3) private tutoring;

(4) services provided by a public elementary school or secondary school attended by the child on a less than full-time basis, including individual classes and extracurricular activities and programs;

(5) textbooks, curriculum programs, or other instructional materials, including any supplemental materials required by a curriculum program, private school, private online learning program, or a public school, or any parent directed curriculum associated with K-12 education;

(6) computer hardware or other technological devices that are used to help meet a child's educational needs, except that such hardware or devices may not be purchased by a parent more than once in an 18-month period;

(7) educational software and applications;

(8) uniforms purchased from or through a private school recognized by the State;

(9) fees for nationally standardized assessment exams, advanced placement exams, any exams related to college or university admission, or tuition or fees for preparatory courses for such exams;

(10) fees for summer education programs and specialized after-school education programs (but not including after-school childcare);

(11) educational services and therapies, including occupational, behavioral, physical, speech-language, and audiology therapies;

(12) fees for transportation paid to a fee-for-service transportation provider for the child to travel to and from the facilities of a qualified educational service provider;

(13) costs of attendance at an institution of higher education;

(14) costs associated with an apprenticeship or other vocational training program;

(15) fees for state-recognized industry certification exams, and tuition or fees for preparatory courses for such exams;

(16) contributions to a college savings account, which may include contributions to a qualified tuition program (as defined in section 529(b)(1)(A) of the Internal Revenue Code of 1986) or other prepaid tuition plan offered by a State; or

(17) any other educational expenses approved by the Secretary.

(f) REQUIREMENTS FOR QUALIFIED EDUCATIONAL SERVICE PROVIDERS.—

(1) REGISTRATION AND APPROVAL.—The Secretary shall establish and maintain a registry of qualified educational service providers that are approved to receive payments from a Military Education Savings Account. The Secretary shall approve a qualified educational service provider to receive such payments if the provider demonstrates to the Secretary that it is licensed in the State in which it operates to provide one or more of the services for which funds may be expended under subsection (e).

(2) PARTICIPATION IN ONLINE MARKETPLACE.—As a condition of receiving funds from a Military Education Savings Account, a qualified educational service provider shall make its services available for purchase through the online marketplace described in subsection (g).

(3) SURETY BOND.—

(A) IN GENERAL.—The Secretary shall require each qualified educational service provider that receives \$100,000 or more in funds from Military Education Savings Accounts in a school year to post a surety bond, in an amount determined by the Secretary, for such school year.

(B) RETENTION.—The Secretary shall prescribe the circumstances under which a surety bond under subparagraph (A) may be retained by the Secretary.

(g) ONLINE MARKETPLACE.—

(1) IN GENERAL.—The Secretary shall seek to enter into a contract with a private-sector entity under which the entity shall—

(A) establish and operate an online marketplace that enables the holder of a Military Education Savings Account to make direct purchases from qualified educational service providers using funds from such account;

(B) ensure that each qualified educational service provider on the registry maintained by the Secretary under subsection (f)(1) has made its services available for purchase through the online marketplace;

(C) ensure that all purchases made through the online marketplace are for services that are allowable uses of funds under subsection (e); and

(D) develop and make available a standardized expense report form, in electronic and hard copy formats, to be used by parents for reporting expenses in accordance with subsection (h)(3).

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the holder of a Military Education Savings Account to make purchases using the online marketplace described in paragraph (1).

(h) TRANSFER SCHEDULE.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make quarterly transfers of the amount calculated pursuant to subsection (d) for deposit into the account of each eligible military dependent child, except that the Secretary may make transfers according to another transfer schedule if the Secretary determines that a transfer schedule other than quarterly transfers is nec-

essary for the operation of the education savings account.

(2) CHOICE OF SCHEDULE.—The Secretary shall establish a process under which the parent of a child on whose behalf a Military Education Savings Account is established may choose a transfer schedule other than a transfer schedule determined under paragraph (1).

(3) EXPENSE REPORTS.—

(A) SUBMISSION REQUIRED.—Before receiving a transfer under paragraph (1) or (2), the parent of an eligible military dependent child on whose behalf a Military Education Savings Account is established shall submit to the Secretary an expense report demonstrating how funds from the most recent transfer were expended.

(B) FORMAT.—Each such expense report shall be submitted using the standardized expense report form developed under subsection (g)(1)(D).

(i) ROLLOVER.—Amounts remaining in the Military Education Savings Account of an eligible military dependent child at the end of a school year shall remain available for use in accordance with subsection (e) until the date on which such account terminates under subsection (j).

(j) TERMINATION AND RETURN OF FUNDS.—

(1) TERMINATION.—The Military Education Savings Account of an eligible military dependent child shall terminate on—

(A) the date on which the child enrolls in a public elementary school or secondary school on a full-time basis;

(B) in the case of a child who is pursuing postsecondary education, the earlier of—

(i) the date on which the child completes postsecondary education; or

(ii) the date on which the child attains the age of 22 years;

(C) in the case of a child who is an individual with a disability, the date on which the child attains the age of 26 years; or

(D) in the case of an individual not described in subparagraphs (B) or (C), the earlier of—

(i) the date on which the child attains the age of 22 years; or

(ii) the expiration of any 2-year period during which funds in the account are not used in accordance with this section.

(2) RETURN OF FUNDS.—Any funds remaining in a Military Education Savings Account on the date such account terminates under paragraph (1) shall be returned to the Treasury of the United States and shall be used to carry out the program under this section.

(k) COMPULSORY ATTENDANCE REQUIREMENTS.—A State that receives funds under this title shall consider a child with a Military Education Savings Account for a school year as meeting the State's compulsory school attendance requirements for such school year.

(l) SPECIAL RULE.—In the case of a child with a Military Education Savings Account who attends a public school on a less than full-time basis in a school year—

(1) the child may not attend the public school free of charge; and

(2) funds in the account, in an amount determined pursuant to an agreement between the parent of the child and the local educational agency concerned, shall be used to pay for the child's costs of attendance at such school.

(m) TAX TREATMENT OF ACCOUNTS.—

(1) IN GENERAL.—A Military Education Savings Account is exempt from taxation under subtitle A of the Internal Revenue Code of 1986.

(2) CONTRIBUTIONS AND DISTRIBUTIONS.—For purposes of subtitle A of the Internal Revenue Code of 1986—

(A) any contribution to a military education savings account by the Secretary

under this Act shall not be includible in the gross income of the individual for whose benefit such account is maintained or the parent of such individual; and

(B) any distribution from a military education savings account which is permitted under this Act shall not be includible in the gross income of the individual for whose benefit such account is maintained or the parent of such individual.

(n) FRAUD PREVENTION AND REPORTING.—The Secretary shall establish a website and a telephone hotline that enable individuals to anonymously report suspected fraud in the program under this section. The Secretary also shall conduct or contract for random, quarterly, or annual audits of accounts as needed to ensure compliance with this section.

(o) CONTRACT AUTHORITY.—The Secretary may enter into one or more contracts for the purpose of carrying out the responsibilities of the Secretary under this section.

(p) REFUNDS.—The Secretary shall establish a process under which payments from a Military Education Savings Accounts to a qualified educational service provider shall be refunded to the account in the event of fraud or nonperformance by the provider.

(q) RULES OF CONSTRUCTION.—

(1) NONAGENCY.—A qualified educational service provider that receives a payment from a Military Education Savings Account pursuant to this section shall not be considered an agent of the State or the Federal Government solely because the provider received such payment.

(2) FEDERAL OR STATE SUPERVISION.—Nothing in this section shall be construed to allow any agency of a State or the Federal Government to exercise control or supervision over any qualified educational service provider.

(3) IMPOSITION OF ADDITIONAL REQUIREMENTS.—No Federal requirements shall apply to a qualified educational service provider other than the requirements specifically set forth in this section. Nothing in this section shall be construed to require a qualified educational service provider to alter its creed, practices, admissions policy, or curriculum in order to be eligible to receive payments from a Military Education Savings Account.

(4) TREATMENT OF ASSISTANCE.—For purposes of any Federal law, assistance provided under this section shall be considered assistance to the eligible military dependent child or to the parents of a child on whose behalf a Military Education Savings Account is established and shall not be considered assistance to the qualified educational service provider that uses or receives funds from a Military Education Savings Account.

(r) LEGAL PROCEEDINGS.—

(1) BURDEN.—In any legal proceeding in which a qualified educational service provider challenges a requirement imposed by the Department of Education on the provider, the Department shall have the burden of establishing that the requirement is necessary and does not impose any undue burden on the provider.

(2) LIMITATION ON LIABILITY.—

(A) IN GENERAL.—No liability shall arise on the part of an entity described in subparagraph (B) solely because such entity awards, uses, or receives funds from a Military Education Savings Account.

(B) ENTITY DESCRIBED.—The entities described in this subparagraph are the following:

(i) The Department of Education.

(ii) An entity that enters into a contract with the Secretary pursuant to subsection (g) or subsection (o).

(iii) A qualified educational service provider.

(3) INTERVENTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), a parent of an eligible military dependent child or a parent of a child on whose behalf a Military Education Savings Account is established may intervene in any legal proceeding in which the constitutionality of the program under this section is challenged under a State constitution or the United States Constitution.

(B) EXCEPTION.—For purposes of judicial administration, a court may—

(i) limit the number of parents allowed to intervene in a proceeding under subparagraph (A); or

(ii) require all parents who have intervened in a proceeding under subparagraph (A) to file a joint brief, except that no parent shall be required to join any brief filed on behalf of a State that is a defendant in the proceeding.

(S) ADMINISTRATIVE EXPENSES.—The Secretary may use not more than 5 percent of the funds made available to carry out this section for the direct costs of administering Military Education Savings Accounts.

(t) DEFINITIONS.—In this section:

(1) The terms “commissioned officer”, “enlisted member”, and “warrant officer” have the meanings given those terms in section 101(b) of title 10, United States Code.

(2) The term “eligible military dependent child” means a child who—

(A) has a parent on active duty in the uniformed services (as that term is defined in section 101 of title 37, United States Code, except that such term does not include an officer in the National Guard who has been activated); and

(B) in the case of a child seeking to establish a Military Education Savings account for the first time, was enrolled in a public elementary school or a public secondary school for not less than 100 consecutive days in the preceding school year.

(3) The term “institution of higher education” has the meaning given the term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

(4) The term “qualified educational service provider” means an entity or person that is licensed by a State to provide one or more of the educational services for which funds may be expended under subsection (e), including—

(A) a private school;

(B) a non-public online learning program or course provider;

(C) an institution of higher education, which may include a community college or a technical college;

(D) a public school;

(E) a private tutor or entity that operates a tutoring facility;

(F) a provider of educational materials or curriculum;

(G) a provider of education-related therapies or services; or

(H) any other provider of educational services licensed by a State to provide such services.

(u) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section—

(1) there are authorized to be appropriated \$1,200,000,000 for fiscal year 2020; and

(2) for each fiscal year beginning after fiscal year 2020, the amount authorized to be appropriated shall be the amount authorized to be appropriated for the previous fiscal year increased by the percentage increase in the Chained Consumer Price Index for All Urban Consumers (as published by the Bureau of Labor Statistics of the Department of Labor) over the period of such previous fiscal year.

**SA 761.** Mr. SASSE (for himself, Mr. KING, Mr. ROUNDS, and Mrs. GILLIBRAND) submitted an amendment in-

tended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title XVI, add the following:

**SEC. —. STUDY ON CYBEREXPLOITATION OF MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.**

(a) STUDY REQUIRED.—Not later than 150 days after the date of the enactment of this Act, the Secretary of Defense shall complete a study on the cyberexploitation of the personal information and accounts of members of the Armed Forces and their families.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) An assessment of the vulnerability of members of the Armed Forces and their families to inappropriate access to their personal information and accounts of such members and their families, including identification of particularly vulnerable subpopulations.

(2) Creation of a catalogue of past and current efforts by foreign governments and non-state actors at the cyberexploitation of the personal information and accounts of members of the Armed Forces and their families, including an assessment of the purposes of such efforts and their degrees of success.

(3) An assessment of the actions taken by the Department of Defense to educate members of the Armed Forces and their families, including particularly vulnerable subpopulations, about any actions that can be taken to otherwise reduce these threats.

(4) Assessment of the potential for the cyberexploitation of misappropriated images and videos as well as deep fakes.

(5) Development of recommendations for policy changes to reduce the vulnerability of members of the Armed Forces and their families to cyberexploitation, including recommendations for legislative or administrative action.

(c) REPORT.—

(1) IN GENERAL.—The Secretary shall submit to the congressional defense committees a report on the findings of the Secretary with respect to the study required by subsection (a).

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) DEFINITIONS.—In this section:

(1) The term “cyberexploitation” means the use of digital means to knowingly access, or conspire to access, without authorization, an individual’s personal information to be employed (or to be used for) with malicious intent.

(2) The term “deep fake” means the digital insertion of a person’s likeness into or digital alteration of a person’s likeness in visual media, such as photographs and videos, without the person’s permission and with malicious intent.

**SA 762.** Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

**SEC. 1262. ASSESSMENT OF COLLABORATIVE INITIATIVES OF THE UNITED STATES AND THE PEOPLE’S REPUBLIC OF CHINA RELATING TO SCIENTIFIC AND TECHNICAL COOPERATION.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report assessing collaborative initiatives of the United States and the People’s Republic of China relating to scientific and technical cooperation.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the nature of collaborative initiatives described in subsection (a), including how such initiatives are funded, who participates in such initiatives, and the outcomes of such initiatives.

(2) A description of the licensing and regulatory regime under which such initiatives occur.

(3) An assessment of whether the intellectual property rights of United States researchers and entities participating in such initiatives are being adequately protected.

(4) An assessment of whether entities owned or controlled by the government or the military of the People’s Republic of China are benefitting from research funded by United States taxpayers.

(5) An assessment of whether any Chinese researchers participating in such initiatives have ties to the government or the military of the People’s Republic of China.

(6) An assessment of whether any institutions of higher education, laboratories, or other entities in the United States participating in such initiatives have been subject to cyber penetration originating in the People’s Republic of China.

(7) An evaluation of the benefits of such initiatives for the United States.

(8) An assessment of any redundancies among such initiatives.

(9) Recommendations for improving such initiatives.

**SA 763.** Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of section 1285, add the following:

“(9) Standards for appropriate information security and counterintelligence protocols to apply to all Department of Defense research and development funding provided to institutions of higher education after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”.

**SA 764.** Mr. INHOFE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 2020”.

**SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.**

(a) DIVISIONS.—This Act is organized into seven divisions as follows:

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(2) Division B—Military Construction Authorizations.

(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.

(4) Division D—Funding Tables.

(5) Division E—Additional Provisions.

(6) Division F—Intelligence Authorizations for Fiscal Year 2020.

(7) Division G—Intelligence Authorizations for Fiscal Year 2018 and 2019.

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

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Sec. 3. Congressional defense committees.

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- Sec. 10711. Technical correction to Inspector General study.
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- Sec. 10718. Modification of certain reporting requirement on travel of foreign diplomats.
- Sec. 10719. Semiannual reports on investigations of unauthorized disclosures of classified information.
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- Sec. 10725. Study on the feasibility of encrypting unclassified wireline and wireless telephone calls.

- Sec. 10726. Modification of requirement for annual report on hiring and retention of minority employees.
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- Sec. 10728. Repeal of certain reporting requirements.
- Sec. 10729. Inspector General of the Intelligence Community report on senior executives of the Office of the Director of National Intelligence.
- Sec. 10730. Briefing on Federal Bureau of Investigation offering permanent residence to sources and co-operators.
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- Sec. 10741. Public Interest Declassification Board.
- Sec. 10742. Securing energy infrastructure.
- Sec. 10743. Bug bounty programs.
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- Sec. 10746. Technical amendments related to the Department of Energy.
- Sec. 10747. Sense of Congress on notification of certain disclosures of classified information.
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- Sec. 10749. Sense of Congress on WikiLeaks.
- SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES.**
- In this Act, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 4. BUDGETARY EFFECTS OF THIS ACT.**

The budgetary effects of this Act, for the purposes of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, jointly submitted for printing in the Congressional Record by the Chairmen of the House and Senate Budget Committees, provided that such statement has been submitted prior to the vote on passage in the House acting first on the conference report or amendment between the Houses.

**DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS**

**TITLE I—PROCUREMENT**

**Subtitle A—Authorization of Appropriations**

**SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4101.

**Subtitle B—Army Programs**

**SEC. 111. SENSE OF SENATE ON ARMY'S APPROACH TO CAPABILITY DROPS 1 AND 2 OF THE DISTRIBUTED COMMON GROUND SYSTEM-ARMY PROGRAM.**

It is the sense of the Senate that—

(1) the Senate approves of the approach of the Army to Capability Drops 1 and 2 of the

Distributed Common Ground System-Army program, which has been in compliance with section 2377 of title 10, United States Code; and

(2) the Senate encourages the Under Secretary of Defense for Acquisition and Sustainment and other military departments and commands in the Department of Defense to review the efforts of the Army with Capability Drops 1 and 2 to inform future decisions about how to integrate commercial technology into the Distributed Common Ground System Enterprise and other national security systems.

**SEC. 112. AUTHORITY OF THE SECRETARY OF THE ARMY TO WAIVE CERTAIN LIMITATIONS RELATED TO THE DISTRIBUTED COMMON GROUND SYSTEM-ARMY INCREMENT 1.**

Section 113(d) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2028) is amended by striking “Secretary of Defense” both places it appears and inserting “Secretary of the Army”.

**Subtitle C—Navy Programs**

**SEC. 121. MODIFICATION OF PROHIBITION ON AVAILABILITY OF FUNDS FOR NAVY WATERBORNE SECURITY BARRIERS.**

Section 130 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) in subsection (a) by striking “for fiscal year 2019 may be obligated or expended to procure legacy waterborne security barriers for Navy ports” and inserting “for fiscal year 2019 or fiscal year 2020 may be obligated or expended to procure legacy waterborne security barriers for Navy ports, including as replacements for legacy barriers”; and

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

“(d) NOTIFICATION.—Not later than 15 days after an exception is made pursuant to subsection (c)(2), the Secretary of the Navy shall submit a written notification to the congressional defense committees that includes—

“(1) the name and position of the government official who determined exigent circumstances exist;

“(2) a description of the exigent circumstances; and

“(3) a description of how waterborne security will be maintained until new waterborne security barriers are procured and installed.”.

**SEC. 122. CAPABILITIES BASED ASSESSMENT FOR NAVAL VESSELS THAT CARRY FIXED-WING AIRCRAFT.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary of the Navy shall initiate a capabilities based assessment to begin the process of identifying requirements for the naval vessels that will carry fixed-wing aircraft following the ships designated CVN-81 and LHA-9.

(b) ELEMENTS.—The assessment shall—

(1) conform with the Joint Capabilities Integration and Development System, including Chairman of the Joint Chiefs of Staff Instruction 5123.01H; and

(2) consider options for the vessels described under subsection (a) that would enable greater commonality and interoperability of naval aircraft embarked on such naval vessels, including aircraft arresting gear and launch catapults.

(c) NOTIFICATION REQUIREMENT.—Not later than 15 days after initiating the assessment required under subsection (a), the Secretary of the Navy shall notify the congressional defense committees of such action and the associated schedule for completing the assessment and generating an Initial Capabilities Document.

**SEC. 123. FORD-CLASS AIRCRAFT CARRIER COST LIMITATION BASELINES.**

(a) IN GENERAL.—Chapter 633 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 8692. Ford-class aircraft carrier cost limitation baselines**

“(a) LIMITATION.—The total amounts obligated or expended from funds authorized to be appropriated or otherwise made available for Shipbuilding and Conversion, Navy, or for any other procurement account, may not exceed the following amounts for the following aircraft carriers:

“(1) \$13,027,000,000 for the construction of the aircraft carrier designated CVN-78.

“(2) \$11,398,000,000 for the construction of the aircraft carrier designated CVN-79.

“(3) \$12,202,000,000 for the construction of the aircraft carrier designated CVN-80.

“(4) \$12,451,000,000 for the construction of the aircraft carrier designated CVN-81.

“(b) ADJUSTMENT OF LIMITATION AMOUNT.—The Secretary of the Navy may adjust an amount set forth in subsection (a) by the following:

“(1) The amounts of increases or decreases in costs attributable to economic inflation after September 30, 2019.

“(2) The amounts of increases or decreases in costs attributable to compliance with changes in Federal, State, or local laws enacted after September 30, 2019.

“(3) The amounts of outfitting costs and post-delivery costs incurred for that ship.

“(4) The amounts of increases or decreases in costs of that ship that are attributable to insertion of new technology into that ship, as compared to the technology baseline as it was defined prior to October 1, 2019.

“(5) The amounts of increases or decreases to cost required to correct deficiencies that may affect the safety of the ship and personnel or otherwise preclude the ship from safe operations and crew certification.

“(6) With respect to the aircraft carrier designated as CVN-78, the amounts of increases or decreases in costs of that ship that are attributable solely to an urgent and unforeseen requirement identified as a result of the shipboard test program.

“(7) With respect to the aircraft carrier designated as CVN-79, the amounts of increases not exceeding \$100,000,000 if the Chief of Naval Operations determines that achieving the amount set forth in subsection (a)(2) would result in unacceptable reductions to the operational capability of the ship.

“(c) LIMITATION ON TECHNOLOGY INSERTION COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (4) of subsection (b) to adjust the amount set forth in subsection (a) for a ship referred to in that subsection with respect to insertion of new technology into that ship only if—

“(1) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology would lower the life-cycle cost of the ship; or

“(2) the Secretary determines, and certifies to the congressional defense committees, that insertion of the new technology is required to meet an emerging threat and the Secretary of Defense certifies to those committees that such threat poses grave harm to national security.

“(d) LIMITATION ON SHIPBOARD TEST PROGRAM COST ADJUSTMENT.—The Secretary of the Navy may use the authority under paragraph (6) of subsection (b) to adjust the amount set forth in subsection (a) for the aircraft carrier designated CVN-78 for reasons relating to an urgent and unforeseen requirement identified as a result of the shipboard test program only if—

“(1) the Secretary determines, and certifies to the congressional defense commit-

tees, that such requirement was not known before the date of the submittal to Congress of the budget for fiscal year 2020 (as submitted pursuant to section 1105 of title 31, United States Code);

“(2) the Secretary determines, and certifies to the congressional defense committees, that waiting on an action by Congress to raise the cost cap specified in subsection (a)(1) to account for such requirement will result in a delay in the date of initial operating capability of that ship; and

“(3) the Secretary submits to the congressional defense committees a report setting forth a description of such requirement before the obligation of additional funds pursuant to such authority.

“(e) EXCLUSION OF BATTLE AND INTERIM SPARES FROM COST LIMITATION.—The Secretary of the Navy shall exclude from the determination of the amounts set forth in subsection (a), the costs of the following items:

“(1) CVN-78 class battle spares.

“(2) Interim spares.

“(f) WRITTEN NOTICE OF CHANGE IN AMOUNT.—The Secretary of the Navy shall submit to the congressional defense committees written notice of any change in the amount set forth in subsection (a) determined to be associated with a cost covered in subsection (b) not less than 30 days prior to making such change.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 8691 the following new item:

“§ 8692. Ford-class aircraft carrier cost limitation baselines.”.

(c) REPEAL OF SUPERSEDED PROVISION.—Section 122 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2104) is repealed.

**SEC. 124. DESIGN AND CONSTRUCTION OF AMPHIBIOUS TRANSPORT DOCK DESIGNATED LPD-31.**

(a) IN GENERAL.—The Secretary of the Navy may enter into a contract for the design and construction of the amphibious transport dock designated LPD-31 using amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy.

(b) USE OF INCREMENTAL FUNDING.—With respect to the contract entered into under subsection (a), the Secretary may use incremental funding to make payments under the contract with amounts authorized to be appropriated in fiscal years 2019, 2020, and 2021.

(c) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—The contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under such contract for any fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for such fiscal year.

**SEC. 125. LHA REPLACEMENT AMPHIBIOUS ASSAULT SHIP PROGRAM.**

(a) AUTHORITY TO USE INCREMENTAL FUNDING.—The Secretary of the Navy may enter into and incrementally fund a contract for detail design and construction of the LHA replacement ship designated LHA 9 and, subject to subsection (b), funds for payments under the contract may be provided from amounts authorized to be appropriated for the Department of Defense for Shipbuilding and Conversion, Navy, for fiscal years 2019 through 2025.

(b) CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.—A contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for any subsequent fiscal year is subject to the availability of appropriations for that purpose for such subsequent fiscal year.

(c) **REPEAL OF OBSOLETE AUTHORITY.**—Section 125 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2106) is repealed.

**SEC. 126. LIMITATION ON AVAILABILITY OF FUNDS FOR THE LITTORAL COMBAT SHIP.**

(a) **LIMITATION.**—None of the amounts authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used to exceed the total procurement quantity listed in revision five of the Littoral Combat Ship acquisition strategy unless the Under Secretary of Defense for Acquisition and Sustainment submits to the congressional defense committees the certification described in subsection (b).

(b) **CERTIFICATION.**—The certification described in this subsection is a certification by the Under Secretary that awarding a contract for the procurement of a Littoral Combat Ship that exceeds the total procurement quantity listed in revision five of the Littoral Combat Ship acquisition strategy—

(1) is in the national security interests of the United States;

(2) will not result in exceeding the low-rate initial production quantity approved in the Littoral Combat Ship acquisition strategy in effect as of the date of the certification; and

(3) is necessary to maintain a full and open competition for the Guided Missile Frigate (FFG(X)) with a single source award in fiscal year 2020.

(c) **DEFINITION.**—The term “revision five of the Littoral Combat Ship acquisition strategy” means the fifth revision of the Littoral Combat Ship acquisition strategy approved by the Under Secretary of Defense for Acquisition and Sustainment on March 26, 2018.

**SEC. 127. LIMITATION ON THE NEXT NEW CLASS OF NAVY LARGE SURFACE COMBATANTS.**

(a) **IN GENERAL.**—Milestone B approval may not be granted for the next new class of Navy large surface combatants unless the class of Navy large surface combatants incorporates prior to such approval—

(1) design changes identified during the full duration of the combat system ship qualification trials and operational test periods of the first Arleigh Burke-class destroyer in the Flight III configuration to complete such events; and

(2) final results of test programs of engineering development models or prototypes for critical systems specified by the Senior Technical Authority pursuant to section 8669b of title 10, United States Code, as added by section 1017 of this Act, in their final form, fit, and function and in a realistic environment, which shall include a land-based engineering site if the propulsion system will utilize integrated electric power technology, including electric drive propulsion.

(b) **LIMITATION.**—The Secretary of the Navy may not release a detail design or construction request for proposals or obligate funds from the Shipbuilding and Conversion, Navy account for the next new class of Navy large surface combatants until the class of Navy large surface combatants receives Milestone B approval and the milestone decision authority notifies the congressional defense committees, in writing, of the actions taken to comply with the requirements under subsection (a).

(c) **DEFINITIONS.**—In this section:

(1) The term “Milestone B approval” has the meaning given the term in section 2366(e)(7) of title 10, United States Code.

(2) The term “milestone decision authority” means the official within the Department of Defense designated with the overall responsibility and authority for acquisition decisions for the program, including authority to approve entry of the program into the next phase of the acquisition process.

(3) The term “large surface combatants” means Navy surface ships that are designed primarily to engage in attacks against airborne, surface, subsurface, and shore targets, excluding frigates and littoral combat ships.

**SEC. 128. REFUELING AND COMPLEX OVERHAULS OF THE U.S.S. JOHN C. STENNIS AND U.S.S. HARRY S. TRUMAN.**

(a) **REFUELING AND COMPLEX OVERHAUL.**—The Secretary of the Navy shall carry out the nuclear refueling and complex overhaul of the U.S.S. John C. Stennis (CVN-74) and U.S.S. Harry S. Truman (CVN-75).

(b) **USE OF INCREMENTAL FUNDING.**—With respect to any contract entered into under subsection (a) for the nuclear refueling and complex overhauls of the U.S.S. John C. Stennis (CVN-74) and U.S.S. Harry S. Truman (CVN-75), the Secretary may use incremental funding for a period not to exceed six years after advance procurement funds for such nuclear refueling and complex overhaul effort are first obligated.

(c) **CONDITION FOR OUT-YEAR CONTRACT PAYMENTS.**—Any contract entered into under subsection (a) shall provide that any obligation of the United States to make a payment under the contract for a fiscal year after fiscal year 2020 is subject to the availability of appropriations for that purpose for that later fiscal year.

**SEC. 129. REPORT ON CARRIER WING COMPOSITION.**

(a) **IN GENERAL.**—Not later than May 1, 2020, the Secretary of the Navy shall submit to the congressional defense committees a report on the optimal composition of the carrier air wing in 2030 and 2040, including alternative force design concepts.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) Analysis and justification for the Navy's stated goal of a 50/50 mix of 4th and 5th generation aircraft for 2030.

(2) Analysis and justification for an optimal mix of carrier aircraft for 2040.

(3) A plan for incorporating unmanned aerial vehicles and associated communication capabilities to effectively implement the future force design.

(c) **BRIEFING.**—Not later than March 1, 2020, the Secretary of the Navy shall provide the congressional defense committees a briefing on the report required under subsection (a).

**Subtitle D—Air Force Programs**

**SEC. 141. REQUIREMENT TO ALIGN AIR FORCE FIGHTER FORCE STRUCTURE WITH NATIONAL DEFENSE STRATEGY AND REPORTS.**

(a) **REQUIRED SUBMISSION OF STRATEGY.**—Not later than March 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a fighter force structure acquisition strategy that is aligned with the results of the reports submitted under subtitle D of title I of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91) and the Air Force's stated requirements to meet the National Defense Strategy.

(b) **ALIGNMENT WITH STRATEGY.**—The Secretary of the Air Force may not deviate from the strategy submitted under subsection (a) until—

(1) the Secretary receives a waiver and justification from the Secretary of Defense; and

(2) 30 days after notifying the congressional defense committees of the proposed deviation.

**SEC. 142. REQUIREMENT TO ESTABLISH THE USE OF AN AGILE DEVOPS SOFTWARE DEVELOPMENT SOLUTION AS AN ALTERNATIVE FOR JOINT STRIKE FIGHTER AUTONOMIC LOGISTICS INFORMATION SYSTEM.**

(a) **ESTABLISHMENT OF AN ALTERNATIVE AGILE DEVOPS SOFTWARE DEVELOPMENT PRO-**

**GRAM.**—The Secretary of Defense shall establish a software development activity using Agile DevOps to create an alternative solution for the Joint Strike Fighter Autonomic Logistics Information System (ALIS).

(b) **COMPETITIVE ANALYSIS.**—The Secretary of Defense shall carry out a competitive analysis of the efforts between Autonomic Logistics Information System, Autonomic Logistics Information System-Next, and Madhatter, including with respect to transition opportunities and timelines.

(c) **BRIEFING.**—Not later than September 30, 2020, the Secretary of Defense, in consultation with the Secretary of the Air Force, shall provide the congressional defense committees a briefing on the findings of the Secretary of Defense with respect to the competitive analysis carried out under subsection (b).

**SEC. 143. REPORT ON FEASIBILITY OF MULTIYEAR CONTRACT FOR PROCUREMENT OF JASSM-ER MISSILES.**

(a) **IN GENERAL.**—Not later than March 31, 2020, the Secretary of the Air Force shall submit a report to the congressional defense committees assessing the feasibility of entering into a multiyear contract for procurement of JASSM-ER missiles starting in fiscal year 2022.

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following elements:

(1) An initial assessment of cost savings to the Air Force from a multiyear contract.

(2) An analysis of at least two different multiyear contract options that vary in either duration or quantity, at least one of which assumes a maximum procurement of 550 missiles per year for 5 years.

(3) An assessment of how a multiyear contract will impact the industrial base.

(4) An assessment of how a multiyear contract will impact the Long Range Anti-Ship Missile.

(5) An assessment of how a multiyear contract will impact the ability of the Air Force to develop additional capabilities for the JASSM-ER missile.

**SEC. 144. AIR FORCE AGGRESSOR SQUADRON MODERNIZATION.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) it is critical that the Air Force has the capability to train against an advanced air adversary in order to be prepared for conflicts against a modern enemy force, and that in order to have this capability, the Air Force must have access to an advanced adversary force prior to United States adversaries fielding a 5th-generation operational capability; and

(2) the Air Force's plan to use low-rate initial production F-35As as aggressor aircraft reflects a recognition of the need to field a modernized aggressor fleet.

(b) **REPORT.**—

(1) **IN GENERAL.**—The Secretary of the Air Force may not transfer any low-rate initial production F-35 aircraft for use as aggressor aircraft until the Chief of Staff of the Air Force submits to the congressional defense committees a comprehensive plan and report on the strategy for modernizing its organic aggressor fleet.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) Potential locations for F-35A aggressor aircraft, including an analysis of installations that—

(i) have the size and availability of airspace necessary to meet flying operations requirements;

(ii) have sufficient capacity and availability of range space;

(iii) are capable of hosting advanced-threat training exercises; and

(iv) meet or require minimal addition to the environmental requirements associated with the basing action.

(B) An analysis of the potential cost and benefits of expanding aggressor squadrons currently operating 18 Primary Assigned Aircraft (PAA) to a level of 24 PAA each.

(C) An analysis of the cost and timelines associated with modernizing the current Air Force aggressor squadrons to include upgrading aircraft radar, infrared search-and-track systems, radar warning receiver, tactical datalink, threat-representative jamming pods, and other upgrades necessary to provide a realistic advanced adversary threat.

#### **SEC. 145. AIR FORCE PLAN FOR COMBAT RESCUE HELICOPTER FIELDING.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that, given delays to Operational Loss Replacement (OLR) program fielding and the on-time fielding of Combat Rescue Helicopter (CRH), the Air National Guard should retain additional HH-60G helicopters at Air National Guard locations to meet their recommended primary aircraft authorized (PAA) per the Air Force's June 2018 report on Air National Guard HH-60 requirements.

(b) REPORT ON FIELDING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on its fielding plan for the CRH program.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the differences in capabilities between the HH-60G, OLR, and CRH helicopters.

(B) A description of the costs and risks associated with changing the CRH fielding plan to reduce or eliminate inventory shortfalls.

(C) A description of the measures for accelerating the program available within the current contract.

(D) A description of the operational risks and benefits associated with fielding the CRH to the active component first, including—

(i) how the differing fielding plan may affect deployment schedules;

(ii) what capabilities active-component units deploying with the CRH will have that reserve component units deploying with OLR will not; and

(iii) an analysis of the potential costs and benefits that could result from accelerating CRH fielding to all units through additional funding in the future years defense program.

(c) REPORT ON TRAINING PLAN.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the plan to sustain training for initial-entry reserve component HH-60G pilots once the active component of the Air Force has received all of its CRH helicopters.

(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) Projected reserve component aircrew initial HH-60G/OLR qualification training requirements, by year.

(B) The number of legacy HH-60G/OLR helicopters required to continue providing initial HH-60G qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.

(C) The number of personnel required to continue providing initial HH-60G/OLR qualification training through the 150th Special Operations Wing at Kirtland Air Force Base.

(D) The number of flying hours required per pilot to perform “differences training” at home station for initial entry HH-60 pilots

receiving CRH training at Kirtland Air Force Base to become qualified in the HH-60G/OLR at their home station.

(E) The projected effect of using local flying training hours at reserve component units on overall unit training readiness and ability to meet Ready Aircrew Program requirements.

#### **SEC. 146. MILITARY TYPE CERTIFICATION FOR AT-6 AND A-29 LIGHT ATTACK EXPERIMENTATION AIRCRAFT.**

The Secretary of the Air Force shall conduct a military type certification for the AT-6 and A-29 light attack experimentation aircraft pursuant to the DoD Directive on Military Type Certificates, 5030.61.

#### **Subtitle E—Defense-wide, Joint, and Multiservice Matters**

#### **SEC. 151. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMUNICATIONS SYSTEMS LACKING CERTAIN RESILIENCY FEATURES.**

(a) IN GENERAL.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be used for the procurement of a current or future Department of Defense communication program of record unless the communications equipment—

(1) provides the ability to deny geolocation of a transmission that would allow enemy targeting of the force;

(2) provides the ability to securely communicate classified information in a jamming environment of like-echelon forces; and

(3) utilizes a waveform that is made available in the Department of Defense Waveform Information Repository.

(b) WAIVER.—The Secretary of a military department may waive the requirement under subsection (a) with respect to a communications system upon certifying to the congressional defense committees that the system will not require resiliency due to its expected use.

#### **SEC. 152. F-35 SUSTAINMENT COST.**

(a) QUARTERLY REPORT.—The Under Secretary of Defense for Acquisition and Sustainment shall include in the quarterly report required under section 155 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232)—

(1) sustainment cost data related to the F-35 program, including a comparison in itemized format of the cost of legacy aircraft and the cost of the F-35 program, based on a standardized set of criteria; and

(2) a progress report on the extent to which the goals developed pursuant to subsection (b) are being achieved.

(b) COST REDUCTION PLAN.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall develop a plan for achieving significant reductions in the cost to operate and maintain the F-35 aircraft.

(2) ELEMENTS.—The plan required under paragraph (1) shall include the following elements:

(A) Specific changes in the management of operation and support (O&S) cost to engender continuous process improvement.

(B) Specific actions the Department will implement in the near term to reduce O&S cost.

(C) Concrete timelines for implementing the specific actions and process changes.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional defense committees a report on the baseline plan for achieving operation and support cost savings.

#### **SEC. 153. ECONOMIC ORDER QUANTITY CONTRACTING AUTHORITY FOR F-35 JOINT STRIKE FIGHTER PROGRAM.**

The Secretary of Defense is authorized to award multiyear contracts for the procurement of F-35 aircraft in economic order quantities for fiscal year 2021 (Lot 15) through fiscal year 2023 (Lot 17).

#### **SEC. 154. REPEAL OF TACTICAL UNMANNED VEHICLE COMMON DATA LINK REQUIREMENT.**

Section 141 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 119 Stat. 3163) is hereby repealed.

#### **TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

##### **Subtitle A—Authorization of Appropriations**

#### **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201.

##### **Subtitle B—Program Requirements, Restrictions, and Limitations**

#### **SEC. 211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.**

(a) STRATEGY REQUIRED.—Not later than March 1, 2020, the Chief of Staff of the Air Force and Chief of Naval Operations shall jointly submit to the congressional defense committees a joint development and acquisition strategy to procure a secure, low probability of detection data link network capability, with the ability to effectively operate in hostile jamming environments while preserving the low observability characteristics of the relevant platforms, including both existing and planned platforms.

(b) NETWORK CHARACTERISTICS.—The data link network capability to be procured pursuant to the development and acquisition strategy submitted under subsection (a) shall—

(1) ensure that any network made with such capability will be low risk and affordable, with minimal impact or change to existing host platforms and minimal overall integration costs;

(2) use a non-proprietary and open systems approach compatible with the Rapid Capabilities Office Open Mission Systems initiative of the Air Force and the Future Airborne Capability Environment initiative of the Navy; and

(3) provide for an architecture to connect, with operationally relevant throughput and latency—

(A) fifth-generation combat aircraft;

(B) fifth-generation and fourth-generation combat aircraft;

(C) fifth-generation and fourth-generation combat aircraft and appropriate support aircraft and other network nodes for command, control, communications, intelligence, surveillance, and reconnaissance purposes; and

(D) fifth-generation and fourth-generation combat aircraft and their associated network-enabled precision weapons.

(c) LIMITATION.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for operation and maintenance for the Office of the Secretary of the Air Force and for operations and maintenance for the Office of the Secretary of the Navy, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force and Chief of Naval Operations submit the development and acquisition strategy required by subsection (a).



**SEC. 212. ESTABLISHMENT OF SECURE NEXT-GENERATION WIRELESS NETWORK (5G) INFRASTRUCTURE FOR THE NEVADA TEST AND TRAINING RANGE AND BASE INFRASTRUCTURE.**

(a) **ESTABLISHMENT REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall establish secure fifth-generation wireless network components and capabilities at no fewer than two Department of Defense installations in accordance with this section.

(b) **FIRST INSTALLATION.**—

(1) **LOCATION.**—The Secretary shall establish components and capabilities under subsection (a) at the Nevada Test and Training Range, which shall serve as the Department's Major Range and Test Facility Base (MRTFB) for fifth-generation wireless networking.

(2) **OBJECTIVE.**—The Secretary shall ensure that the establishment of components and capabilities under subsection (a) at the range described in paragraph (1) of this subsection will allow the Department to explore and demonstrate the utility of using fifth-generation wireless networking technology to enhance combat operations.

(3) **PURPOSE.**—The purpose of the establishment of components and capabilities under subsection (a) at the range described in paragraph (1) of this subsection is to demonstrate the following:

(A) The potential military utility of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

(B) Advanced security technology that is applicable to fifth-generation networks as well as legacy Department command and control networks.

(C) Secure interoperability with fixed and wireless systems (legacy and future systems).

(D) Enhancements such as spectrum and waveform diversity, frequency hopping and spreading, and beam forming for military requirements.

(E) Technology for dynamic network slicing for specific use cases and applications requiring varying levels of latency, scale, and throughput.

(F) Technology for dynamic spectrum sharing and network isolation.

(c) **SECOND AND ADDITIONAL INSTALLATIONS.**—

(1) **LOCATION.**—The location of the second and any additional installations for establishment of components and capabilities under subsection (a) shall be at such Department installation or installations as the Secretary considers appropriate for the purpose set forth in paragraph (2) of this subsection.

(2) **PURPOSES.**—The purpose of the second and any additional installations for establishment of components and capabilities under subsection (a) is to explore and demonstrate infrastructure implementations of the following:

(A) Base infrastructure installation of high bandwidth, scalable, and low latency fifth-generation wireless networking technology.

(B) Applications for secure fifth-generation wireless network capabilities for the Department, such as the following:

(i) Interactive augmented reality or synthetic training environments.

(ii) Internet of things devices.

(iii) Autonomous systems.

(iv) Advanced manufacturing through the following:

(I) Department-sponsored centers for manufacturing innovation (as defined in section 34(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(c))).

(II) Department research and development organizations.

(III) Manufacturers in the defense industrial base of the United States.

**SEC. 213. LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2 ENDURING CAPABILITY.**

(a) **LIMITATION AND REPORT.**—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Army may be obligated or expended for research, development, test, and evaluation for the Indirect Fire Protection Capability Increment 2 enduring capability until the Secretary of the Army submits to the congressional defense committees a report on the Indirect Fire Protection Capability Increment 2 program that contains the following:

(1) An assessment of whether the requirements previously established for the program meet the anticipated threat at the time of planned initial operating capability and fully operating capability.

(2) A list of candidate systems considered to meet the Indirect Fire Protection Capability Increment 2 requirement, including those fielded or in development by the Army, the Missile Defense Agency, and other elements of the Department of Defense.

(3) An assessment of each candidate system's capability against representative threats.

(4) An assessment of other relevant specifications of each candidate system, including cost of development, cost per round if applicable, technological maturity, and logistics and sustainment.

(5) A plan for how the Army will integrate the chosen system or systems into the Integrated Air and Missile Defense Battle Command System.

(b) **CERTIFICATION REQUIRED.**—Not later than 10 days after the date on which the President submits the annual budget request of the President for fiscal year 2021 pursuant to section 1105 of title 31, United States Code, the Secretary of the Army shall, without delegation, submit to the congressional defense committees a certification that identifies a program of record contained within that budget request that will meet the requirement in Department of Defense Directive 5100.01 to conduct air and missile defense to support joint campaigns as it applies to defense against supersonic cruise missiles.

**SEC. 214. ELECTROMAGNETIC SPECTRUM SHARING RESEARCH AND DEVELOPMENT PROGRAM.**

(a) **PROGRAM ESTABLISHMENT.**—The Secretary of Defense, in consultation with the Administrator of the National Telecommunications and Information Administration, and the Federal Communications Commission shall jointly establish an electromagnetic spectrum sharing research and development program to promote the establishment of innovative technologies and techniques to facilitate electromagnetic spectrum sharing between fifth-generation wireless networking technologies, Federal systems, and other non-Federal incumbent systems.

(b) **ESTABLISHMENT OF TEST BEDS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary, in coordination with the Administrator and the Commission, shall, as part of the program established under subsection (a), establish at least two test beds to demonstrate the potential for cohabitation between fifth-generation wireless networking technologies, other incumbent non-Federal systems, and Federal systems.

(2) **CO-LOCATION OF TEST BEDS.**—The test beds established under paragraph (1) may be co-located, if a single geographic location can provide a sufficient diversity of Federal systems. If not, test beds established under this subsection shall coordinate to share results and best practices identified in each location.

(c) **DEVELOPMENT OF DEPARTMENT OF DEFENSE INTEGRATED SPECTRUM AUTOMATION ENTERPRISE STRATEGY.**—

(1) **IN GENERAL.**—Not later than May 1, 2020, the Secretary and the Administrator of the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, shall jointly propose an integrated spectrum automation enterprise strategy for the Department of Defense to address management of electromagnetic spectrum, including both Federal and non-Federal spectrum that is shared by the Department of Defense or could be used for national security missions in the future, including on a shared basis.

(2) **MATTERS ENCOMPASSED.**—The strategy developed under subparagraph (A) shall encompass cloud-based databases, artificial intelligence, system certification processes, public facing application programming interfaces and online tools, and electromagnetic spectrum compatibility analyses for sharing of electromagnetic spectrum.

(d) **PERIODIC BRIEFINGS.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 180 days thereafter until the Secretary submits the report required by subsection (e), the Secretary, in consultation with the Administrator and the Commission, shall brief the appropriate committees of Congress on the progress of the test beds established under subsection (b).

(e) **REPORT.**—

(1) **IN GENERAL.**—Not later than October 1, 2022, the Secretary, in consultation with the Administrator and the Commission, shall submit to the appropriate committees of Congress a report on the results of the test beds established under subsection (b).

(2) **RECOMMENDATIONS.**—The report submitted under paragraph (1) shall include recommendations to facilitate sharing frameworks in the bands of electromagnetic spectrum that are the subject of the test beds.

(f) **APPROPRIATE COMMITTEES OF CONGRESS.**—In this subsection, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Energy and Commerce of the House of Representatives.

**SEC. 215. SENSE OF THE SENATE ON THE ADVANCED BATTLE MANAGEMENT SYSTEM.**

It is the sense of the Senate that—

(1) the Senate supports the vision of the Air Force for the Advanced Battle Management System (ABMS) as a system of systems that can integrate air, space, and other systems to detect, track, target, and direct effects against threats in all domains;

(2) such a capability will be essential to the ability of the Air Force to operate effectively as part, and in support, of the Joint Force, especially in the highly-contested operating environments established by near-peer competitors;

(3) the Senate is concerned that the Air Force has not moved quickly enough over the past year to begin defining the requirements and maturing the technologies that will be essential for the Advanced Battle Management System, especially in light of the pending retirement of the Joint Surveillance and Target Attack Radar System (JSTARS) aircraft that the Advanced Battle Management System is conceived, in part, to replace;

(4) the Senate understands that the Air Force is moving deliberately to analyze alternative concepts for the Advanced Battle Management System and adopt an architectural approach to its design;

(5) the Advanced Battle Management System, as a multidomain system of systems, must have a central command and control capability that can integrate these systems into a unified warfighting capability;

(6) emerging technologies, such as artificial intelligence and automated sensor fusion, should be built into the command and control capability for the Advanced Battle Management System from the start;

(7) such technologies would improve the ability of the Advanced Battle Management System to support human operators with—

(A) the rapid processing and fusion of multidomain sensor data;

(B) the highly-automated identification, classification, tracking, and targeting of threats in all domains;

(C) the creation of a real-time common operating picture from multidomain intelligence; and the ability to direct effects on the battlefield at machine-to-machine speeds from all of the systems comprising the Advanced Battle Management System; and

(8) for an effort as ambitious and complex as the Advanced Battle Management System, the Senate encourages the Air Force to use existing acquisition authorities to begin a rapid prototyping effort to refine the requirements and software-intensive technologies that will be integral to the command and control capability of the Advanced Battle Management System.

#### SEC. 216. MODIFICATION OF PROOF OF CONCEPT COMMERCIALIZATION PROGRAM.

(a) MAKING THE PROGRAM PERMANENT.—

(1) IN GENERAL.—Section 1603 of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 10 U.S.C. 2359 note) is amended by striking subsection (g).

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in the section heading, by striking “PILOT”;

(B) in subsection (a)—

(i) by striking “PILOT”; and

(ii) by striking “Pilot”; and

(C) by striking “pilot” each place it appears.

(b) ADDITIONAL IMPROVEMENTS.—Such section, as amended by subsection (a), is further amended—

(1) in the section heading, by inserting “OF DUAL-USE TECHNOLOGY” after “COMMERCIALIZATION”;

(2) in subsection (a)—

(A) by inserting “of Dual-Use Technology” before “Program”; and

(B) by inserting “with a focus on priority defense technology areas that attract public and private sector funding, as well as private sector investment capital, including from venture capital firms in the United States,” before “in accordance”;

(3) in subsection (c)(4)(A)(iv), by inserting “, which may include access to venture capital” after “award”;

(4) by striking subsection (d);

(5) by redesignating subsection (e) as subsection (d);

(6) by striking subsection (f); and

(7) by adding at the end the following new subsection (e):

“(e) AUTHORITIES.—In carrying out this section, the Secretary may use the following authorities:

“(1) Section 1599g of title 10 of the United States Code, relating to public-private talent exchanges.

“(2) Section 2368 of such title, relating to Centers for Science, Technology, and Engineering Partnerships.

“(3) Section 2374a of such title, relating to prizes for advanced technology achievements.

“(4) Section 2474 of such title, relating to Centers of Industrial and Technical Excellence.

“(5) Section 2521 of such title, relating to the Manufacturing Technology Program.

“(6) Section 225 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2359 note).

“(7) Section 1711 of such Act (Public Law 115-91; 10 U.S.C. 2505 note), relating to a pilot program on strengthening manufacturing in the defense industrial base.

“(8) Section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a) and section 6305 of title 31, United States Code, relating to cooperative research and development agreements.”.

#### SEC. 217. MODIFICATION OF DEFENSE QUANTUM INFORMATION SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT PROGRAM.

Section 234 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) by inserting “and international” after “interagency”; and

(ii) by striking “private sector” inserting “private-sector and international”; and

(B) in paragraph (6), by inserting “, workforce,” after “including facilities”;

(2) in subsection (c)—

(A) in paragraph (2), by striking “sciences;” and inserting the following: “sciences, including through coordination with—

“(A) the National Quantum Coordination Office;

“(B) the National Science and Technology Council Quantum Information Science Subcommittee;

“(C) other Federal agencies;

“(D) other elements and offices of the Department of Defense; and

“(E) appropriate private-sector organizations;”;

(B) in paragraph (3), by striking “and” at the end;

(C) by redesignating paragraph (4) as paragraph (5); and

(D) by inserting after paragraph (3) the following new paragraph (4):

“(4) develop, in coordination with appropriate Federal entities, a taxonomy for quantum science activities and requirements for relevant technology and standards; and”;

(3) in subsection (d)(2)(D), by inserting “a roadmap and” after “including”.

#### SEC. 218. TECHNOLOGY AND NATIONAL SECURITY FELLOWSHIP.

(a) FELLOWSHIP PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall establish a civilian fellowship program designed to place eligible individuals within the Department of Defense and Congress to increase the number of national security professionals with science, technology, engineering, and mathematics credentials employed by the Department and Congress.

(2) DESIGNATION.—The fellowship program established under paragraph (1) shall be known as the “Technology and National Security Fellowship” (in this section referred to as the “fellows program”).

(3) ASSIGNMENTS.—Each individual selected for participation in the fellows program shall be assigned to a one year position within—

(A) the Department of Defense; or

(B) a congressional office with emphasis on Armed Forces and national security matters.

(4) PAY AND BENEFITS.—Each individual assigned to a position under paragraph (3)—

(A) shall be compensated at a rate of basic pay that is equivalent to the rate of basic

pay payable for a position at level 10 of the General Schedule; and

(B) shall be treated as an employee of the United States during the assignment.

(b) ELIGIBLE INDIVIDUALS.—For purposes of this section, and subject to subsection (e), an eligible individual is any individual who—

(1) is a citizen of the United States; and

(2) either—

(A) expects to be awarded an undergraduate or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work not later than 180 days after the date on which the individual submits an application for participation in the fellows program; or

(B) possesses an undergraduate or graduate degree that, as determined by the Secretary, focuses on science, technology, engineering, or mathematics course work that was awarded not earlier than one year before the date on which the individual submits an application for participation in the fellows program.

(c) APPLICATION.—Each individual seeking to participate in the fellows program shall submit to the Secretary an application therefor at such time and in such manner as the Secretary shall specify.

(d) COORDINATION.—In carrying out this section, the Secretary may consider working through the following entities:

(1) The National Security Innovation Network.

(2) Other Department of Defense or public and private sector organizations, as determined appropriate by the Secretary.

(e) MODIFICATIONS TO FELLOWS PROGRAM.—The Secretary may modify the terms and procedures of the fellows program in order to better achieve the goals of the program and to support workforce needs of the Department of Defense.

(f) CONSULTATION.—The Secretary may consult with the heads of the agencies, components, and other elements of the Department of Defense, Members and committees of Congress, and such institutions of higher education and private entities engaged in work on national security and emerging technologies as the Secretary considers appropriate for purposes of the fellows program, including with respect to assignments in the fellows program.

#### SEC. 219. DIRECT AIR CAPTURE AND BLUE CARBON REMOVAL TECHNOLOGY PROGRAM.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Homeland Security, the Secretary of Energy, and the heads of such other Federal agencies as the Secretary of Defense considers appropriate, shall carry out a program on research, development, testing, evaluation, study, and demonstration of technologies related to blue carbon capture and direct air capture.

(2) PROGRAM GOALS.—The goals of the program established under paragraph (1) are as follows:

(A) To develop technologies that capture carbon dioxide from seawater and the air to turn such carbon dioxide into clean fuels to enhance fuel and energy security.

(B) To develop and demonstrate technologies that capture carbon dioxide from seawater and the air to reuse such carbon dioxide to create products for military uses.

(C) To develop direct air capture technologies for use—

(i) at military installations or facilities of the Department of Defense; or

(ii) in modes of transportation by the Navy or the Coast Guard.

(3) PHASES.—The program established under paragraph (1) shall be carried out in two phases as follows:

(A) The first phase shall consist of research and development and shall be carried out as described in subsection (b).

(B) The second phase shall consist of testing and evaluation and shall be carried out as described in subsection (c), if the Secretary determines that the results of the research and development phase justify implementing the testing and evaluation phase.

(4) DESIGNATION.—The program established under paragraph (1) shall be known as the “Direct Air Capture and Blue Carbon Removal Technology Program” (in this section referred to as the “Program”).

(b) RESEARCH AND DEVELOPMENT PHASE.—

(1) IN GENERAL.—During the research and development phase of the Program, the Secretary of Defense shall conduct research and development in pursuit of the goals set forth in subsection (a)(2).

(2) DIRECT AIR CAPTURE.—The research and development phase of the Program may include, with respect to direct air capture, a front end engineering and design study that includes an evaluation of direct air capture designs to produce fuel for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.

(3) DURATION.—The Secretary shall carry out the research and development phase of the Program during a four-year period commencing not later than 90 days after the date of the enactment of this Act.

(4) GRANTS AUTHORIZED.—The Secretary may carry out the research and development phase of the Program through the award of grants to private persons and eligible laboratories.

(5) REPORT REQUIRED.—Not later than 180 days after the date of the completion of the research and development phase of the Program, the Secretary shall submit to Congress a report on the research and development carried out under the Program.

(6) FUNDING FOR FISCAL YEAR 2020.—(A) The amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation is hereby increased by \$8,000,000, with the amount of the increase to be available for the research and development phase of the Program.

(B) The amount authorized to be appropriated for fiscal year 2020 by section 301 for operation and maintenance is hereby decreased by \$8,000,000, with the amount of the decrease to be taken from amounts available for printing.

(7) AUTHORIZATION OF APPROPRIATIONS FOR FUTURE FISCAL YEARS.—There is authorized to be appropriated to carry out the research and development phase of the Program \$10,000,000 for each of fiscal years 2021 through 2023.

(c) TESTING AND EVALUATION PHASE.—

(1) IN GENERAL.—During the testing and evaluation phase of the Program, the Secretary shall, in pursuit of the goals set forth in subsection (a)(2), conduct tests and evaluations of the technologies researched and developed during the research and development phase of the Program.

(2) DIRECT AIR CAPTURE.—The testing and evaluation phase of the Program may include demonstration projects for direct air capture to produce fuels for use—

(A) at military installations or facilities of the Department of Defense; or

(B) in modes of transportation by the Navy or the Coast Guard.

(3) DURATION.—The Secretary shall carry out the testing and evaluation phase of the Program during the three-year period commencing on the date of the completion of the research and development phase described in subsection (b), except that the testing and evaluation phase of the Program with re-

spect to direct air capture may commence at such time after a front end engineering and design study demonstrates to the Secretary that commencement of such phase is appropriate.

(4) GRANTS AUTHORIZED.—The Secretary may carry out the testing and evaluation phase of the Program through the award of grants to private persons and eligible laboratories.

(5) LOCATIONS.—The Secretary shall carry out the testing and evaluation phase of the Program at military installations or facilities of the Department of Defense.

(6) REPORT REQUIRED.—Not later than September 30, 2026, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the effectiveness of the technologies tested and evaluated under the Program.

(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the testing and evaluation phase of the Program \$15,000,000 for each of fiscal years 2024 through 2026.

(d) DEFINITIONS.—In this section:

(1) The term “blue carbon capture” means the removal of dissolved carbon dioxide from seawater through engineered or inorganic processes, including filters, membranes, or phase change systems.

(2)(A) The term “direct air capture”, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

(B) The term “direct air capture” does not include any facility, technology, or system that captures carbon dioxide—

(i) that is deliberately released from a naturally occurring subsurface spring; or

(ii) using natural photosynthesis.

(3) The term “eligible laboratory” means—

(A) a National Laboratory (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)); or

(B) a laboratory of the Department of Defense.

#### Subtitle C—Reports and Other Matters

### SEC. 231. NATIONAL SECURITY EMERGING BIOTECHNOLOGIES RESEARCH AND DEVELOPMENT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Defense shall carry out a research and development program on applications of emerging biotechnologies for the national security purposes set forth in subsection (b).

(b) NATIONAL SECURITY PURPOSES.—The national security purposes set forth in this subsection are as follows:

(1) To ensure military understanding and relevancy of applications of emerging biotechnologies in meeting national security requirements.

(2) To coordinate all research and development relating to emerging biotechnologies within the Department of Defense and to provide for interagency cooperation and collaboration on research and development relating to emerging biotechnologies between the Department and other departments and agencies of the United States and appropriate private sector entities that are involved in research and development relating to emerging biotechnologies.

(3) To develop and manage a portfolio of fundamental and applied emerging biotechnologies research initiatives that is stable, consistent, and balanced across scientific disciplines.

(4) To collect, synthesize, and disseminate critical information on research and development relating to emerging biotechnologies within the national security establishment.

(5) To establish and support appropriate research, innovation, and the industrial base, including facilities and infrastructure, to

support the needs of Department missions and scientific workforce relating to emerging biotechnologies.

(6) To develop a technical basis to inform the intelligence community on the analysis needs of the Department with respect to emerging biotechnologies.

(c) ADMINISTRATION.—In carrying out the program required by subsection (a), the Secretary shall act through the Under Secretary of Defense for Research and Engineering, who shall supervise the planning, management, and coordination of the program. The Under Secretary, in consultation with the Secretaries of the military departments and the heads of participating Defense Agencies and other departments and agencies of the United States, shall—

(1) prescribe a set of long-term challenges and a set of broad technical goals for the program;

(2) develop a coordinated and integrated research and investment plan for meeting near-, mid-, and long-term challenges for achieving broad technical goals that build upon the Department’s investment in emerging biotechnologies research and development, commercial sector and global investments, and other United States Government investments in emerging biotechnologies fields;

(3) not later than 180 days after the date of the enactment of this Act, develop and continuously update guidance, including classification guidance for defense-related emerging biotechnologies activities, and policies for restricting access to research to minimize the effects of loss of intellectual property in basic and applied emerging biotechnologies and information considered sensitive to the leadership of the United States in the field of emerging biotechnologies; and

(4) develop memoranda of agreement, joint funding agreements, and other cooperative arrangements necessary for meeting long-term challenges and achieving specific technical goals.

(d) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2020, the Secretary shall submit to the congressional defense committees a report on the program carried out under subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) An assessment of the potential national security risks of emerging biotechnologies technologies.

(B) An assessment of the efforts of foreign powers to use emerging biotechnologies for military applications and other purposes.

(C) A description of the knowledge-base of the Department with respect to emerging biotechnologies, plans to defend against potential national security threats posed by emerging biotechnologies, and any plans of the Secretary to enhance such knowledge-base.

(D) A plan that describes how the Secretary intends to use emerging biotechnologies for military applications and to meet other needs of the Department.

(E) A description of activities undertaken consistent with this section, including funding for activities consistent with the section.

(F) Such other matters as the Secretary considers appropriate.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITION OF EMERGING BIOTECHNOLOGIES.—In this section, the term “emerging biotechnologies” includes the following:

(1) Engineered biology, which is the application of engineering design principles and practices to biological, genetic, molecular,

and cellular systems to enable novel functions and capabilities.

(2) **Neurotechnology**, which refers to central and peripheral nervous system interfaces that leverage structural, computational, and mathematical modeling to develop devices that decode neural activity (identify how it corresponds to a particular behavior or cognitive state, such as sensorimotor function, memory, or neuropsychiatric function) and use this information to deliver targeted interventions or therapies to facilitate performance.

(3) **Performance enhancement**, namely technologies that augment human physiology at the cellular, molecular, and physiological levels giving the end user novel or enhanced physical and psychological capabilities.

(4) **Gene editing**, including tools that facilitate deoxyribonucleic acid (DNA) sequence deletion, replacement, or insertion into cellular or organismal genetic material, thereby modulating genetic function for applications that include treating and preventing disease, and improving function of biological systems.

(5) **Biomolecular sequencing and synthesis**, namely the processes by which biomolecular components (such as deoxyribonucleic acid and ribonucleic acid) can be measured (sequencing) or generated (synthesis) for uses in engineering biology, biomanufacturing, and other medical and nonmedical applications.

#### **SEC. 232. CYBER SCIENCE AND TECHNOLOGY ACTIVITIES ROADMAP AND REPORTS.**

(a) **ROADMAP FOR SCIENCE AND TECHNOLOGY ACTIVITIES TO SUPPORT DEVELOPMENT OF CYBER CAPABILITIES.**—

(1) **ROADMAP REQUIRED.**—The Secretary of Defense, acting through the Under Secretary of Defense for Research and Engineering, shall develop a roadmap for science and technology activities of the Department of Defense to support development of cyber capabilities to meet Department needs and missions.

(2) **GOAL OF CONSISTENCY.**—The Secretary shall develop the roadmap required by paragraph (1) to ensure consistency with appropriate Federal interagency, industry, and academic activities.

(3) **SCOPE.**—The roadmap required by paragraph (1) shall—

(A) cover the development of capabilities that will likely see operational use within the next 25 years or earlier; and

(B) address cyber operations and cybersecurity.

(4) **CONSULTATION.**—The Secretary shall develop the roadmap required by paragraph (1) in consultation with the following:

(A) The Chief Information Officer of the Department.

(B) The secretaries and chiefs of the military departments.

(C) The Director of Operational Test and Evaluation.

(D) The Commander of the United States Cyber Command.

(E) The Director of the National Security Agency.

(F) The Director of the Defense Information Systems Agency.

(G) The Director of the Defense Advanced Research Projects Agency.

(H) The Director of the Defense Digital Service.

(5) **FORM.**—The Secretary shall develop the roadmap required by paragraph (1) in unclassified form, but may include a classified annex.

(6) **PUBLICATION.**—The Secretary shall make available to the public the unclassified form of the roadmap developed pursuant to paragraph (1).

(b) **ANNUAL REPORT ON CYBER SCIENCE AND TECHNOLOGY ACTIVITIES.**—

(1) **ANNUAL REPORTS REQUIRED.**—In fiscal years 2021, 2022, and 2023, the Under Secretary of Defense for Research and Engineering submit to the Congressional Defense Committees a report on the science and technology activities within the Department of Defense relating to cyber matters during the previous fiscal year, the current fiscal year, and the following fiscal year.

(2) **CONTENTS.**—Each report submitted pursuant to paragraph (1) shall include, for the period covered by the report, a description and listing of the science and technology activities of the Department relating to cyber matters, including the following:

(A) Extramural science and technology activities.

(B) Intramural science and technology activities.

(C) Major and minor military construction activities.

(D) Major prototyping and demonstration programs.

(E) A list of agreements and activities transition capabilities to acquisition activities, including—

(i) national security systems;

(ii) business systems; and

(iii) enterprise and network systems.

(F) Efforts to enhance the national technical cybersecurity workforce, including specific programs to support education, training, internships, and hiring.

(G) Efforts to perform cooperative activities with international partners.

(H) Efforts under the Small Business Innovation Research and the Small Business Technology Transfer Program, including estimated amounts in the request for the following fiscal year.

(I) Efforts to encourage partnerships between the Department of Defense and universities participating in the National Centers of Academic Excellence in Cyber Operations and Cyber Defense.

(3) **TIMING.**—Each report submitted pursuant to paragraph (1) shall be submitted concurrently with the annual budget request of the President submitted pursuant to section 1105 of title 31, United States Code.

(4) **FORM.**—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 233. REQUIRING CERTAIN MICROELECTRONICS PRODUCTS AND SERVICES MEET TRUSTED SUPPLY CHAIN AND OPERATIONAL SECURITY STANDARDS.**

(a) **PURCHASES.**—

(1) **IN GENERAL.**—To protect the United States from intellectual property theft and to ensure national security and public safety in the application of new generations of wireless network technology and microelectronics, beginning on January 1, 2022, the Secretary of Defense shall—

(A) ensure that each critical microelectronics product and service that the Department of Defense purchases on or after such date meets the trusted supply chain and operational security standards established pursuant to subsection (b), except in a case in which the Department seeks to purchase a critical microelectronics product or service, but—

(i) no such product or service is available for purchase that meets such standards; or

(ii) no such product or service is available for purchase that—

(I) meets such standards; and

(II) is available at a price that the Secretary does not consider prohibitively expensive; and

(B) to the maximum extent practicable, ensure that each microelectronics product and service, other than a critical microelectronics product and service, that is pur-

chased by the Department of Defense on or after such date meets the trusted supply chain and operational security standards established pursuant to subsection (b).

(2) **CRITICAL MICROELECTRONICS PRODUCTS AND SERVICES.**—For purposes of this section, a critical microelectronics product or service is a microelectronics product, or a service based on such a product, that is designated by the Secretary as critical to meeting national security needs.

(b) **TRUSTED SUPPLY CHAIN AND OPERATIONAL SECURITY STANDARDS.**—

(1) **STANDARDS REQUIRED.**—Not later than January 1, 2021, the Secretary shall establish trusted supply chain and operational security standards for the purchase of microelectronics products and services by the Department.

(2) **CONSULTATION REQUIRED.**—In developing standards under paragraph (1), the Secretary shall consult with the following:

(A) The Secretary of Homeland Security, the Secretary of State, the Secretary of Commerce, and the Director of the National Institute of Standards and Technology.

(B) Suppliers of microelectronics products and services from the United States and allies and partners of the United States.

(C) Representatives of major United States industry sectors that rely on a trusted supply chain and the operational security of microelectronics products and services.

(D) Representatives of the United States insurance industry.

(3) **TIER OF TRUST AND SECURITY AUTHORIZED.**—In carrying out paragraph (1), the Secretary may establish tiers of trust and security within the supply chain and operational security standards for microelectronics products and services.

(4) **GENERAL APPLICABILITY.**—The standards established pursuant to paragraph (1) shall be, to the greatest extent practicable, generally applicable to the trusted supply chain and operational security needs and use cases of the United States Government and commercial industry, such that the standards could be widely adopted by government and commercial industry.

(5) **ANNUAL REVIEW.**—Not later than October 1 of each year, the Secretary shall review the standards established pursuant to paragraph (1) and issue updates or modifications as the Secretary considers necessary or appropriate.

(c) **ENSURING ABILITY TO SELL COMMERCIALLY.**—

(1) **IN GENERAL.**—The Secretary shall, to the greatest extent practicable, ensure that suppliers of microelectronics products for the Federal Government who meet the standards established under subsection (b) are able and incentivized to sell products commercially that are produced on the same production lines as the microelectronics products supplied to the Federal Government.

(2) **EFFECT OF REQUIREMENTS AND ACQUISITIONS.**—The Secretary shall, to the greatest extent practicable, ensure that the requirements of the Department and the acquisition by the Department of microelectronics enable the success of a dual-use microelectronics industry.

(d) **MAINTAINING COMPETITION AND INNOVATION.**—The Secretary shall take such actions as the Secretary considers necessary and appropriate, within the Secretary's authorized activities to maintain the health of the defense industrial base, to ensure that—

(1) providers of microelectronics products and services that meet the standards established under subsection (b) are exposed to competitive market pressures to achieve competitive pricing and sustained innovation; and

(2) the industrial base of microelectronics products and services that meet the standards established under subsection (b) includes providers producing in or belonging to countries that are allies or partners of the United States.

**SEC. 234. TECHNICAL CORRECTION TO GLOBAL RESEARCH WATCH PROGRAM.**

Section 2365 of title 10, United States Code, is amended—

(1) in subsections (a) and (d)(2), by striking “Assistant Secretary of Defense for Research and Engineering” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”;

(2) in subsections (d)(3) and (e), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary of Defense for Research and Engineering”;

(3) in subsection (d), by striking “Assistant Secretary” both places it appears and inserting “Under Secretary”.

**SEC. 235. ADDITIONAL TECHNOLOGY AREAS FOR EXPEDITED ACCESS TO TECHNICAL TALENT.**

Section 217(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 2358 note) is amended—

(1) by redesignating paragraph (27) as paragraph (29); and

(2) by inserting after paragraph (26) the following new paragraph (27):

“(27) Rapid prototyping.

“(28) Infrastructure resilience.”.

**SEC. 236. SENSE OF THE SENATE AND PERIODIC BRIEFINGS ON THE SECURITY AND AVAILABILITY OF FIFTH-GENERATION (5G) WIRELESS NETWORK TECHNOLOGY AND PRODUCTION.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) use of fifth-generation (5G) wireless networks and associated technology will be a foundation for future warfighting applications for the Department of Defense;

(2) the commercial implementation of fifth-generation wireless networks will provide the high speed and capacity necessary for the Internet of Things, advanced manufacturing, autonomous machines, the application of artificial intelligence, and smart cities, and it is critical that the Department of Defense utilize these new capabilities;

(3) protecting the innovation and technology that enables these revolutionary developments is essential for security of the Department of Defense mission, and will require improved security of the microelectronics supply chain and of the design and operation of networks based on fifth-generation wireless network technology;

(4) securing fifth-generation wireless networks and associated technology is required due to the increased effects of military processes that will be enabled on fifth-generation wireless networks;

(5) the Department of Defense can no longer rely on fabricationless business models in which microelectronics manufacturing is located in countries with vulnerable supply chains or adversarial nations known for predatory industrial espionage and posing a military threat to the United States or on small-scale manufacturing of trusted microelectronics in dedicated facilities;

(6) the Department of Defense should leverage its large procurement budget, sophisticated understanding of the threats to microelectronics supply chains, as well as experience establishing requirements for the secure production of microelectronics and working with trusted foundries to create a secure, competitive, and innovative manufacturing base in cooperation with industry; and

(7) the Secretary of Defense should act expeditiously to achieve the goals enumerated in this subsection using resources and au-

thorities available to the Department, while encouraging interagency planning for a whole-of-government strategy.

(b) PERIODIC BRIEFINGS.—

(1) IN GENERAL.—Not later than March 15, 2020, and not less frequently than once every three months thereafter until March 15, 2022, the Secretary of Defense shall brief the congressional defense committees on how the Department of Defense—

(A) is using secure fifth-generation wireless network technology;

(B) is reshaping the Department's policy for producing and procuring secure microelectronics; and

(C) working in the interagency and internationally to develop common policies and approaches.

(2) ELEMENTS.—Each briefing under paragraph (1) shall contain information on—

(A) efforts to ensure a secure supply chain for fifth-generation wireless network equipment and microelectronics;

(B) the continued availability of electromagnetic spectrum for warfighting needs;

(C) planned implementation of fifth-generation wireless network infrastructure in warfighting networks, base infrastructure, defense-related manufacturing, and logistics;

(D) steps taken to work with allied and partner countries to protect critical networks and supply chains; and

(E) such other topics as the Secretary considers relevant.

**SEC. 237. TRANSFER OF COMBATING TERRORISM TECHNICAL SUPPORT OFFICE.**

(a) TRANSFER REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall transfer responsibilities for the authority, direction, and control of the Combating Terrorism Technical Support Office from the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict to the Under Secretary of Defense for Research and Engineering.

(b) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than the date that is 30 days before the date of the transfer of responsibilities required by subsection (a), the Secretary shall submit to the congressional defense committees a report on such transfer.

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) An assessment of the relevance of the roles, responsibilities, and objectives of the Combating Terrorism Technical Support Office to supporting implementation of the National Defense Strategy and recommendations, if any, for changes to the roles, responsibilities, and objectives of the Combating Terrorism Technical Support Office for the purpose of supporting implementation of the National Defense Strategy.

(B) An articulation of any anticipated efficiencies resulting from the transfer of responsibilities as described in subsection (a).

(C) Such other matters as the Secretary considers relevant.

**SEC. 238. BRIEFING ON COOPERATIVE DEFENSE TECHNOLOGY PROGRAMS AND RISKS OF TECHNOLOGY TRANSFER TO CHINA OR RUSSIA.**

(a) BRIEFING REQUIRED.—Not later than March 1, 2020, the Secretary of Defense, in consultation with the Director of National Intelligence, shall provide the congressional defense committees a briefing, and documents as appropriate, on current cooperative defense technology programs of the Department of Defense with any country the Secretary assesses to be engaged in significant defense or other advanced technology cooperation with the People's Republic of China or the Russian Federation.

(b) MATTERS TO BE ADDRESSED.—The briefing required by subsection (a) shall address the following matters:

(1) Whether any current cooperative defense technology programs of the Department of Defense increase the risk of technology transfer to the People's Republic of China or the Russian Federation.

(2) What actions the Department of Defense has taken to mitigate the risk of technology transfer to the People's Republic of China or the Russian Federation with respect to current cooperative defense technology programs.

(3) Such recommendations as the Secretary may have for legislative or administrative action to prevent technology transfer to the People's Republic of China or the Russian Federation with respect to cooperative defense technology programs, especially as it relates to capabilities the Secretary assesses to be critical to maintain or restore the comparative military advantage of the United States.

(c) NOTIFICATION REQUIRED.—The Secretary shall provide the congressional committees a written notification not later than 15 days after any decision to suspend or terminate a cooperative defense technology program due to the risk or occurrence of technology transfer to the People's Republic of China or the Russian Federation.

**SEC. 239. MODIFICATION OF AUTHORITY FOR PRIZES FOR ADVANCED TECHNOLOGY ACHIEVEMENTS.**

Section 2374a(a) of title 10, United States Code, is amended by striking “Assistant Secretary of Defense for Research and Engineering” and inserting “Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment,”.

**SEC. 240. USE OF FUNDS FOR STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM, ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM, AND OPERATIONAL ENERGY CAPABILITY IMPROVEMENT.**

Of the funds authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4201 for the Strategic Environmental Research Program, Operational Energy Capability Improvement, and the Environmental Security Technical Certification Program, the Secretary of Defense shall expend amounts as follows:

(1) Not less than \$10,000,000 on the development and demonstration of long duration on-site energy battery storage for distributed energy assets.

(2) Not less than \$10,000,000 on the development, demonstration, and validation of non-fluorine based firefighting foams.

(3) Not less than \$10,000,000 on the development, demonstration, and validation of secure microgrids for both installations and forward operating bases.

(4) Not less than \$5,000,000 on the development, demonstration, and validation of technologies that can harvest potable water from air.

**SEC. 241. FUNDING FOR THE SEA-LAUNCHED CRUISE MISSILE-NUCLEAR ANALYSIS OF ALTERNATIVES.**

(a) AVAILABILITY OF FUNDING.—Of the amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation, at least \$5,000,000 shall be available for the analysis of alternatives for the Sea-Launched Cruise Missile-Nuclear.

(b) PROGRAM OF RECORD.—The Secretary of Defense shall make the Sea-Launched Cruise Missile-Nuclear a program of record.

**SEC. 242. REVIEW AND ASSESSMENT PERTAINING TO TRANSITION OF DEPARTMENT OF DEFENSE-ORIGINATED DUAL-USE TECHNOLOGY.**

(a) IN GENERAL.—The Under Secretary of Defense for Research and Engineering shall—

(1) conduct a review of the Department of Defense science and technology enterprise's intellectual property and strategy for awarding exclusive commercial rights to industry partners; and

(2) assess whether its practices are encouraging or constraining technology diffusion where desirable.

(b) ELEMENTS.—The review and assessment required by subsection (a) shall include consideration of the following:

(1) The retention or relinquishment by the Department of intellectual property rights and the effect thereof.

(2) The granting by the Department of exclusive commercial rights and the effect thereof.

(3) The potential of research prizes, vice payment and exclusive commercial rights, on contract as remuneration for science and technology activities.

(4) The potential of science and technology programs with intellectual property strategies that do not include commercialization monopolies.

(5) The potential of establishing price ceilings for licenses and commercial sale mandates to discourage selective commercial hoarding.

(6) The activities of the Department in effect on the day before the date of the enactment of this Act to promulgate to approved users in the commercial sector the intellectual property that the Department retains and their potential applications.

(7) Such other major factors as may inhibit the diffusion of Department-funded technology in the commercial sector where desirable.

(c) UNIVERSITY PARTNERSHIP.—In carrying out subsection (a), the Under Secretary shall partner with a business school or law school of a university with resident economics and intellectual property expertise.

(d) REPORT.—

(1) IN GENERAL.—Not later than May 1, 2020, the Under Secretary shall submit to the congressional defense committees a report on the findings of the Under Secretary with respect to the review and assessment required by subsection (a).

(2) RECOMMENDATIONS.—The report required by paragraph (1) shall include such recommendations as the Under Secretary may have for legislative or administrative action to improve the diffusion of the intellectual property and technology of the science and technology enterprise of the Department.

### TITLE III—OPERATION AND MAINTENANCE

#### Subtitle A—Authorization of Appropriations

##### SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4301.

#### Subtitle B—Energy and Environment

##### SEC. 311. USE OF OPERATIONAL ENERGY COST SAVINGS OF DEPARTMENT OF DEFENSE.

Section 2912 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (b) or (c), as the case may be,”;

(2) in subsection (b), in the matter preceding paragraph (1), by striking “The Secretary of Defense” and inserting “Except as provided in subsection (c) with respect to operational energy cost savings, the Secretary of Defense”;

(3) by redesignating subsection (c) as subsection (d); and

(4) by inserting after subsection (b) the following new subsection (c):

“(c) USE OF OPERATIONAL ENERGY COST SAVINGS.—The amount that remains available for obligation under subsection (a) that relates to operational energy cost savings realized by the Department shall be used for the implementation of additional operational energy resilience, efficiencies, mission assurance, energy conservation, or energy security within the department, agency, or instrumentality that realized that savings.”.

##### SEC. 312. USE OF PROCEEDS FROM SALES OF ELECTRICAL ENERGY GENERATED FROM GEOTHERMAL RESOURCES.

Section 2916(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by striking “Except as provided in paragraph (3), proceeds” and inserting “Proceeds”; and

(2) by striking paragraph (3).

##### SEC. 313. ENERGY RESILIENCE PROGRAMS AND ACTIVITIES.

(a) MODIFICATION OF ANNUAL ENERGY MANAGEMENT AND RESILIENCE REPORT.—Section 2925(a) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “AND READINESS” after “MISSION ASSURANCE”;

(2) in the matter preceding paragraph (1), by inserting “The Secretary shall ensure that mission operators of critical facilities provide to personnel of military installations any information necessary for the completion of such report.” after “by the Secretary.”;

(3) in paragraph (4), in the matter preceding subparagraph (A), by striking “megawatts” and inserting “electric and thermal loads”; and

(4) in paragraph (5), by striking “megawatts” and inserting “electric and thermal loads”.

(b) FUNDING FOR ENERGY PROGRAM OFFICES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall submit to the congressional defense committees a report stating whether the program offices specified in paragraph (2) are funded—

(A) at proper levels to ensure that the energy resilience requirements of the Department of Defense are met; and

(B) at levels that are not less than in any previous fiscal year.

(2) PROGRAM OFFICES SPECIFIED.—The program offices specified in this paragraph are the following:

(A) The Power Reliability Enhancement Program of the Army.

(B) The Office of Energy Initiatives of the Army.

(C) The Office of Energy Assurance of the Air Force.

(D) The Resilient Energy Program Office of the Navy.

(3) FUNDING PLAN.—

(A) IN GENERAL.—The Secretaries of the military departments shall include in the report submitted under paragraph (1) a funding plan for the next five fiscal years beginning after the date of the enactment of this Act to ensure that funding levels are, at a minimum, maintained during that period.

(B) ELEMENTS.—The funding plan under subparagraph (A) shall include, for each fiscal year covered by the plan, an identification of the amounts to be used for the accomplishment of energy resilience goals and objectives.

(c) ESTABLISHMENT OF TARGETS FOR WATER USE.—The Secretary of Defense shall, where life-cycle cost-effective, improve water use efficiency and management by the Depart-

ment of Defense, including storm water management, by—

(1) installing water meters and collecting and using water balance data of buildings and facilities to improve water conservation and management;

(2) reducing industrial, landscaping, and agricultural water consumption in gallons by two percent annually through fiscal year 2030 relative to a baseline of such consumption by the Department in fiscal year 2010; and

(3) installing appropriate sustainable infrastructure features on installations of the Department to help with storm water and wastewater management.

##### SEC. 314. NATIVE AMERICAN INDIAN LANDS ENVIRONMENTAL MITIGATION PROGRAM.

(a) IN GENERAL.—Chapter 160 of title 10, United States Code, is amended by adding at the end the following new section:

##### “§ 2712. Native American lands environmental mitigation program

“(a) ESTABLISHMENT.—The Secretary of Defense may establish and carry out a program to mitigate the environmental effects of actions by the Department of Defense on Indian lands and culturally connected locations.

“(b) PROGRAM ACTIVITIES.—The activities that may be carried out under the program established under subsection (a) are the following:

“(1) Identification, investigation, and documentation of suspected environmental effects attributable to past actions by the Department of Defense.

“(2) Development of mitigation options for such environmental effects, including development of cost-to-complete estimates and a system for prioritizing mitigation actions.

“(3) Direct mitigation actions that the Secretary determines are necessary and appropriate to mitigate the adverse environmental effects of past actions by the Department.

“(4) Demolition and removal of unsafe buildings and structures used by, under the jurisdiction of, or formerly used by or under the jurisdiction of the Department.

“(5) Training, technical assistance, and administrative support to facilitate the meaningful participation of Indian tribes in mitigation actions under the program.

“(6) Development and execution of a policy governing consultation with Indian tribes that have been or may be affected by action by the Department, including training personnel of the Department to ensure compliance with the policy.

“(c) COOPERATIVE AGREEMENTS.—(1) In carrying out the program established under subsection (a), the Secretary of Defense may enter into a cooperative agreement with an Indian tribe or an instrumentality of tribal government.

“(2) Notwithstanding chapter 63 of title 31, a cooperative agreement under this section may be used to acquire property or services for the direct benefit of the United States Government.

“(3) A cooperative agreement under this section for the procurement of severable services may begin in one fiscal year and end in another fiscal year only if the total period of performance does not exceed two calendar years.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘Indian land’ includes—

“(A) any land located within the boundaries and a part of an Indian reservation, pueblo, or rancheria;

“(B) any land that has been allotted to an individual Indian but has not been conveyed to such Indian with full power of alienation;

“(C) Alaska Native village and regional corporation lands; and



“(D) lands and waters upon which any Federally recognized Indian tribe has rights reserved by treaty, act of Congress, or action by the President.

“(2) The term ‘Indian tribe’ has the meaning given such term in section 2701(d)(4)(A) of this title.

“(3) The term ‘culturally connected location’ means a location or place that has demonstrable significance to Indians or Alaska Natives based on its association with the traditional beliefs, customs, and practices of a living community, including locations or places where religious, ceremonial, subsistence, medicinal, economic, or other lifeways practices have historically taken place.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 160 of such title is amended by inserting after the item relating to section 2711 the following new item:

“2712. Native American lands environmental mitigation program.”.

**SEC. 315. REIMBURSEMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR CERTAIN COSTS IN CONNECTION WITH THE TWIN CITIES ARMY AMMUNITION PLANT, MINNESOTA.**

(a) TRANSFER AMOUNT.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Administrator of the Environmental Protection Agency—

(1) in fiscal year 2020, not more than \$890,790; and

(2) in each of fiscal years 2021 through 2026, not more than \$150,000.

(b) PURPOSE OF REIMBURSEMENT.—The amount authorized to be transferred under subsection (a) is to reimburse the Environmental Protection Agency for costs the Agency has incurred and will incur relating to the response actions performed at the Twin Cities Army Ammunition Plant, Minnesota, through September 30, 2025.

(c) INTERAGENCY AGREEMENT.—The reimbursement described in subsection (b) is intended to satisfy certain terms of the interagency agreement entered into by the Department of the Army and the Environmental Protection Agency for the Twin Cities Army Ammunition Plant that took effect in December 1987 and that provided for the recovery of expenses by the Agency from the Department of the Army.

**SEC. 316. PROHIBITION ON USE OF PERFLUOROALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES FOR LAND-BASED APPLICATIONS OF FIREFIGHTING FOAM.**

(a) LIMITATION.—After October 1, 2022, no funds of the Department of Defense may be obligated or expended to procure firefighting foam that contains in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances.

(b) PROHIBITION ON USE AND DISPOSAL OF EXISTING STOCKS.—Not later than October 1, 2023, the Secretary of Defense shall—

(1) cease the use of firefighting foam containing in excess of one part per billion of perfluoroalkyl substances and polyfluoroalkyl substances; and

(2) dispose of all existing stocks of such firefighting foam in accordance with the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(c) EXEMPTION FOR SHIPBOARD USE.—Subsections (a) and (b) shall not apply to firefighting foam for use solely onboard ocean-going vessels.

(d) DEFINITIONS.—In this section:

(1) PERFLUOROALKYL SUBSTANCES.—The term “perfluoroalkyl substances” means aliphatic substances for which all of the H atoms attached to C atoms in the nonfluorinated substance from which they are notionally derived have been replaced by

F atoms, except those H atoms whose substitution would modify the nature of any functional groups present.

(2) POLYFLUOROALKYL SUBSTANCES.—The term “polyfluoroalkyl substances” means aliphatic substances for which all H atoms attached to at least one (but not all) C atoms have been replaced by F atoms, in such a manner that they contain the perfluoroalkyl moiety  $C_nF_{2n+1}$  (for example,  $C_8F_{17}CH_2CH_2OH$ ).

**SEC. 317. TRANSFER AUTHORITY FOR FUNDING OF STUDY AND ASSESSMENT ON HEALTH IMPLICATIONS OF PER- AND POLYFLUOROALKYL SUBSTANCES CONTAMINATION IN DRINKING WATER BY AGENCY FOR TOXIC SUBSTANCES AND DISEASE REGISTRY.**

Section 316(a)(2)(B)(ii) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1350), as amended by section 315(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is amended by striking “2019 and 2020” and inserting “2019, 2020, and 2021”.

**SEC. 318. COOPERATIVE AGREEMENTS WITH STATES TO ADDRESS CONTAMINATION BY PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**

(a) COOPERATIVE AGREEMENTS.—

(1) IN GENERAL.—Upon request from the Governor or chief executive of a State, the Secretary of Defense shall work expeditiously, pursuant to section 2701(d) of title 10, United States Code, to finalize a cooperative agreement, or amend an existing cooperative agreement to address testing, monitoring, removal, and remedial actions relating to the contamination or suspected contamination of drinking, surface, or ground water from PFAS originating from activities of the Department of Defense by providing the mechanism and funding for the expedited review and approval of documents of the Department related to PFAS investigations and remedial actions from an active or decommissioned military installation, including a facility of the National Guard.

(2) MINIMUM STANDARDS.—A cooperative agreement finalized or amended under paragraph (1) shall meet or exceed the most stringent of the following standards for PFAS in any environmental media:

(A) An enforceable State standard, in effect in that State, for drinking, surface, or ground water, as described in section 121(d)(2)(A)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(ii)).

(B) An enforceable Federal standard for drinking, surface, or ground water, as described in section 121(d)(2)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9621(d)(2)(A)(i)).

(b) REPORT.—Beginning on February 1, 2020, if a cooperative agreement is not finalized or amended under subsection (a) within one year after the request from the Governor or chief executive under that subsection, and annually thereafter, the Secretary of Defense shall submit to the appropriate committees and Members of Congress a report—

(1) explaining why the agreement has not been finalized or amended, as the case may be; and

(2) setting forth a projected timeline for finalizing or amending the agreement.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES AND MEMBERS OF CONGRESS.—The term “appropriate committees and Members of Congress” means—

(A) the congressional defense committees;

(B) the Senators who represent a State impacted by PFAS contamination described in subsection (a)(1); and

(C) the Members of the House of Representatives who represent a district impacted by such contamination.

(2) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(3) PFAS.—The term “PFAS” means perfluoroalkyl and polyfluoroalkyl substances that are man-made chemicals with at least one fully fluorinated carbon atom.

(4) STATE.—The term “State” has the meaning given the term in section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

**SEC. 319. MODIFICATION OF DEPARTMENT OF DEFENSE ENVIRONMENTAL RESTORATION AUTHORITIES TO INCLUDE FEDERAL GOVERNMENT FACILITIES USED BY NATIONAL GUARD.**

(a) DEFINITION OF FACILITY.—Section 2700(2) of title 10, United States Code, is amended—

(1) by striking “The terms” and inserting “(A) The terms”; and

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

“(B) The term ‘facility’ includes real property that is owned by, leased to, or otherwise possessed by the United States at locations at which military activities are conducted under this title or title 32 (including real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the National Guard).”.

(b) INCLUSION OF POLLUTANTS AND CONTAMINANTS IN ENVIRONMENTAL RESPONSE ACTIONS.—Section 2701(c) of such title is amended by inserting “or pollutants or contaminants” after “hazardous substances” each place it appears.

(c) ESTABLISHMENT OF ENVIRONMENTAL RESTORATION ACCOUNTS.—Section 2703(a) of such title is amended by adding at the end the following new paragraphs:

“(6) An account to be known as the ‘Environmental Restoration Account, Army National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Army National Guard).

“(7) An account to be known as the ‘Environmental Restoration Account, Air National Guard’ (for real property owned or leased by the Federal Government that is licensed to and operated by a State for training for the Air National Guard).”.

**SEC. 320. BUDGETING OF DEPARTMENT OF DEFENSE RELATING TO EXTREME WEATHER.**

(a) IN GENERAL.—The Secretary of Defense shall include in the annual budget submission of the President under section 1105(a) of title 31, United States Code—

(1) a dedicated budget line item for adaptation to, and mitigation of, effects of extreme weather on military networks, systems, installations, facilities, and other assets and capabilities of the Department of Defense; and

(2) an estimate of the anticipated adverse impacts to the readiness of the Department and the financial costs to the Department during the year covered by the budget of the loss of, or damage to, military networks, systems, installations, facilities, and other assets and capabilities of the Department, including loss of or obstructed access to training ranges, as a result extreme weather events.

(b) DISAGGREGATION OF IMPACTS AND COSTS.—The estimate under subsection (a)(2) shall set forth the adverse readiness impacts and financial costs under that subsection by military department, Defense Agency, and

other component or element of the Department.

(c) **EXTREME WEATHER DEFINED.**—In this section, the term “extreme weather” means recurrent flooding, drought, desertification, wildfires, and thawing permafrost.

**SEC. 321. PILOT PROGRAM FOR AVAILABILITY OF WORKING-CAPITAL FUNDS FOR INCREASED COMBAT CAPABILITY THROUGH ENERGY OPTIMIZATION.**

(a) **IN GENERAL.**—Notwithstanding section 2208 of title 10, United States Code, the Secretary of Defense and the military departments may use a working capital fund established pursuant to that section for expenses directly related to conducting a pilot program for energy optimization initiatives described in subsection (b).

(b) **ENERGY OPTIMIZATION INITIATIVES.**—Energy optimization initiatives covered by the pilot program include the research, development, procurement, installation, and sustainment of technologies or weapons system platforms, and the manpower required to do so, that would improve the efficiency and maintainability, extend the useful life, lower maintenance costs, or provide performance enhancement of the weapon system platform or major end item.

(c) **LIMITATION ON CERTAIN PROJECTS.**—Funds may not be used pursuant to subsection (a) for—

(1) any product improvement that significantly changes the performance envelope of an end item; or

(2) any single component with an estimated total cost in excess of \$10,000,000.

(d) **LIMITATION IN FISCAL YEAR PENDING TIMELY REPORT.**—If during any fiscal year the report required by paragraph (1) of subsection (e) is not submitted by the date specified in paragraph (2) of that subsection, funds may not be used pursuant to subsection (a) during the period—

(1) beginning on the date specified in such paragraph (2); and

(2) ending on the date of the submittal of the report.

(e) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—The Secretary of Defense shall submit an annual report to the congressional defense committees on the use of the authority under subsection (a) during the preceding fiscal year.

(2) **DEADLINE FOR SUBMITTAL.**—The report required by paragraph (1) in a fiscal year shall be submitted not later than 60 days after the date of the submittal to Congress of the budget of the President for the succeeding fiscal year pursuant to section 1105 of title 31, United States Code.

(3) **RECOMMENDATION.**—In the case of the report required to be submitted under paragraph (1) during fiscal year 2020, the report shall include the recommendation of the Secretary of Defense and the military departments regarding whether the authority under subsection (a) should be made permanent.

(f) **SUNSET.**—The authority under subsection (a) shall expire on October 1, 2024.

**SEC. 322. REPORT ON EFFORTS TO REDUCE HIGH ENERGY INTENSITY AT MILITARY INSTALLATIONS.**

(a) **REPORT.**—

(1) **REPORT REQUIRED.**—Not later than September 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment, in conjunction with the assistant secretaries responsible for installations and environment for the military departments and the Defense Logistics Agency, shall submit to the congressional defense committees a report detailing the efforts to achieve cost savings at military installations with high energy intensity.

(2) **ELEMENTS.**—The report required under paragraph (1) shall include the following elements:

(A) A comprehensive, installation-specific assessment of feasible and mission-appropriate energy initiatives supporting energy production and consumption at military installations with high energy intensity.

(B) An assessment of current sources of energy in areas with high energy intensity and potential future sources that are technologically feasible, cost-effective, and mission-appropriate for military installations.

(C) A comprehensive implementation strategy to include required investment for feasible energy efficiency options determined to be the most beneficial and cost-effective, where appropriate, and consistent with priorities of the Department of Defense.

(D) An explanation on how the military departments are working collaboratively in order to leverage lessons learned on potential energy efficiency solutions.

(E) An assessment of the extent to which activities administered under the Federal Energy Management Program of the Department of Energy could be used to assist with the implementation strategy under subparagraph (C).

(F) An assessment of State and local partnership opportunities that could achieve efficiency and cost savings, and any legislative authorities required to carry out such partnerships or agreements.

(3) **COORDINATION WITH STATE, LOCAL, AND OTHER ENTITIES.**—In preparing the report required under paragraph (1), the Under Secretary of Defense for Acquisition and Sustainment may work in conjunction and coordinate with the States containing areas of high energy intensity, local communities, and other Federal agencies.

(b) **DEFINITION.**—In this section, the term “high energy intensity” means costs for the provision of energy by kilowatt of electricity or British Thermal Unit of heat or steam for a military installation in the United States that is in the highest 20 percent of all military installations for a military department.

**SEC. 323. TECHNICAL AND GRAMMATICAL CORRECTIONS AND REPEAL OF OBSOLETE PROVISIONS RELATING TO ENERGY.**

(a) **TECHNICAL AND GRAMMATICAL CORRECTIONS.**—

(1) **TECHNICAL CORRECTIONS.**—Title 10, United States Code, is amended—

(A) in section 2913(c), by striking “government” and inserting “government or”; and

(B) in section 2926(d)(1), in the second sentence, by striking “Defense Agencies” and inserting “the Defense Agencies”.

(2) **GRAMMATICAL CORRECTIONS.**—Such title is further amended—

(A) in section 2922a(d), by striking “resilience are prioritized and included” and inserting “energy resilience are included as critical factors”; and

(B) in section 2925(a)(3), by striking “impacting energy” and all that follows through the period at the end and inserting “degrading energy resilience at military installations (excluding planned outages for maintenance reasons), whether caused by on- or off-installation disruptions, including the total number of outages and their locations, the duration of each outage, the financial effect of each outage, whether or not the mission was affected, the downtimes (in minutes or hours) the mission can afford based on mission requirements and risk tolerances, the responsible authority managing the utility, and measures taken to mitigate the outage by the responsible authority.”.

(b) **CLARIFICATION OF APPLICABILITY OF CONFLICTING AMENDMENTS MADE BY 2018 DEFENSE AUTHORIZATION ACT.**—Section 2911(e) of such title is amended—

(1) by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) Opportunities to reduce the current rate of consumption of energy, the future demand for energy, and the requirement for the use of energy.

“(2) Opportunities to enhance energy resilience to ensure the Department of Defense has the ability to prepare for and recover from energy disruptions that affect mission assurance on military installations.”; and

(2) by striking the second paragraph (13).

(c) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of section 2926 of such title is amended to read as follows:

**“§ 2926. Operational energy”.**

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 173 of such title is amended by striking the item relating to section 2926 and inserting the following new item:

“2926. Operational energy.”.

**Subtitle C—Logistics and Sustainment**

**SEC. 331. REQUIREMENT FOR MEMORANDA OF UNDERSTANDING BETWEEN THE AIR FORCE AND THE NAVY REGARDING DEPOT MAINTENANCE.**

Before the Secretary of the Navy transfers any maintenance action on a platform to a depot under the jurisdiction of the Secretary of the Air Force or the Secretary of the Air Force transfers any maintenance action on a platform to a depot under the jurisdiction of the Secretary of the Navy, the Air Logistics Complex Commander and the Commander of Naval Air Systems Command shall enter into a joint memorandum of understanding that lists out responsibilities for work and technical oversight responsibilities for such maintenance.

**SEC. 332. MODIFICATION TO LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT OF NAVAL VESSELS.**

Section 323 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **EXTENSION OF LIMITATION ON LENGTH OF OVERSEAS FORWARD DEPLOYMENT FOR U.S.S. SHILOH (CG-67).**—Notwithstanding subsection (b), the Secretary of the Navy shall ensure that the U.S.S. Shiloh (CG-67) is assigned a homeport in the United States by not later than September 30, 2023.”.

**Subtitle D—Reports**

**SEC. 341. REPORT ON MODERNIZATION OF JOINT PACIFIC ALASKA RANGE COMPLEX.**

(a) **REPORT REQUIRED.**—Not later than May 1, 2020, the Secretary of the Air Force shall submit to the congressional defense committees a report on the long-term modernization of the Joint Pacific Alaska Range Complex (in this section referred to as the “JPARC”).

(b) **ELEMENTS.**—The report required under subsection (a) shall include the following:

(1) An assessment of the requirement for the JPARC to provide realistic training against modern adversaries, including 5th generation adversary aircraft and ground threats, and any current limitations compared to those requirements.

(2) An assessment of the requirement for JPARC to provide a realistic anti-access area denial training environment and any current limitations compared to those requirements.

(3) An assessment of the requirement to modernize the JPARC to provide realistic threats in a large-scale, combined-arms near-peer environment and any current limitations in meeting that requirement. The assessment should include—

(A) target sets;

(B) early warning and surveillance systems;

(C) threat systems;

(D) real-time communications capacity and security;

(E) instrumentation and enabling mission data fusion capabilities; and

(F) such other range deficiencies as the Secretary of the Air Force considers appropriate to identify.

(4) A plan for balancing coalition training against training only for members of the Armed Forces of the United States at the JPARC.

#### Subtitle E—Other Matters

#### SEC. 351. STRATEGY TO IMPROVE INFRASTRUCTURE OF CERTAIN DEPOTS OF THE DEPARTMENT OF DEFENSE.

(a) STRATEGY REQUIRED.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a comprehensive strategy for improving the depot infrastructure of the military departments with the objective of ensuring that all covered depots have the capacity and capability to support the readiness and material availability goals of current and future weapon systems of the Department of Defense.

(b) ELEMENTS.—The strategy under subsection (a) shall include the following:

(1) A comprehensive review of the conditions and performance at each covered depot, including the following:

(A) An assessment of the current status of the following elements:

(i) Cost and schedule performance of the depot.

(ii) Material availability of weapon systems supported at the depot and the impact of the performance of the depot on that availability.

(iii) Work in progress and non-operational items awaiting depot maintenance.

(iv) The condition of the depot.

(v) The backlog of restoration and modernization projects at the depot.

(vi) The condition of equipment at the depot.

(B) An identification of analytically based goals relating to the elements identified in subparagraph (A).

(2) A business-case analysis that assesses investment alternatives comparing cost, performance, risk, and readiness outcomes and recommends an optimal investment approach across the Department of Defense to ensure covered depots efficiently and effectively meet the readiness goals of the Department, including an assessment of the following alternatives:

(A) The minimum investment necessary to meet investment requirements under section 2476 of title 10, United States Code.

(B) The investment necessary to ensure the current inventory of facilities at covered depots can meet the mission-capable, readiness, and contingency goals of the Secretary of Defense.

(C) The investment necessary to execute the depot infrastructure optimization plans of each military department.

(D) Any other strategies for investment in covered depots, as identified by the Secretary.

(3) A plan to improve conditions and performance of covered depots that identifies the following:

(A) The approach of the Secretary of Defense for achieving the goals outlined in paragraph (1)(B).

(B) The resources and investments required to implement the plan.

(C) The activities and milestones required to implement the plan.

(D) A results-oriented approach to assess—

(i) the progress of each military department in achieving such goals; and

(ii) the progress of the Department in implementing the plan.

(E) Organizational roles and responsibilities for implementing the plan.

(F) A process for conducting regular management review and coordination of the progress of each military department in implementing the plan and achieving such goals.

(G) The extent to which the Secretary has addressed recommendations made by the Comptroller General of the United States relating to depot operations during the five-year period preceding the date of submittal of the strategy under this section.

(H) Risks to implementing the plan and mitigation strategies to address those risks.

(c) ANNUAL REPORT ON PROGRESS.—As part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of Defense shall submit to the congressional defense committees a report describing the progress made in—

(1) implementing the strategy under subsection (a); and

(2) achieving the goals outlined in subsection (b)(1)(B).

(d) COMPTROLLER GENERAL REPORTS.—

(1) ASSESSMENT OF STRATEGY.—Not later than January 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report assessing the extent to which the strategy under subsection (a) meets the requirements of this section.

(2) ASSESSMENT OF IMPLEMENTATION.—Not later than April 1, 2022, the Comptroller General shall submit to the congressional defense committees a report setting forth an assessment of the extent to which the strategy under subsection (a) has been effectively implemented by each military department and the Secretary of Defense.

(e) COVERED DEPOT DEFINED.—In this section, the term “covered depot” has the meaning given that term in section 2476(e) of title 10, United States Code.

#### SEC. 352. LIMITATION ON USE OF FUNDS REGARDING THE BASING OF KC-46A AIRCRAFT OUTSIDE THE CONTINENTAL UNITED STATES.

(a) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to Congress a report on the projected plan and timeline for strategic basing of the KC-46A aircraft outside the continental United States.

(2) ELEMENTS.—In considering basing options in the report required by paragraph (1), the Secretary of the Air Force shall consider locations that—

(A) support day-to-day air refueling operations, operations plans of the combatant commands, and flexibility for contingency operations, and have—

(i) a strategic location that is essential to the defense of the United States and its interests;

(ii) receivers for boom or probe-and-drogue combat training opportunities with joint and international partners; and

(iii) sufficient airfield and airspace availability and capacity to meet requirements; and

(B) possess facilities that—

(i) take full advantage of existing infrastructure to provide—

(I) runways, hangars, and aircrew and maintenance operations; and

(II) sufficient fuel receipt, storage, and distribution for a five-day peacetime operating stock; and

(ii) minimize overall construction and operational costs.

(b) LIMITATION ON USE OF FUNDS.—Not more than 85 percent of the funds authorized

to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Air Force for operation and maintenance for the Management Headquarters Program (Program Element 92398F) may be obligated or expended until the Secretary of the Air Force submits the report required by subsection (a) unless the Secretary of the Air Force certifies to Congress that the use of additional funds is mission essential.

#### SEC. 353. PREVENTION OF ENCROACHMENT ON MILITARY TRAINING ROUTES AND MILITARY OPERATIONS AREAS.

Section 183a of title 10, United States Code, is amended—

(1) in subsection (c)(6)—

(A) by striking “radar or airport surveillance radar operated” and inserting “radar, airport surveillance radar, or wide area surveillance over-the-horizon radar operated”; and

(B) by inserting “Any setback for a project pursuant to the previous sentence shall not be more than what is determined to be necessary by a technical analysis conducted by the Lincoln Laboratory at the Massachusetts Institute of Technology or any successor entity.” after “mitigation options.”;

(2) in subsection (d)—

(A) in paragraph (2)(E), by striking “to a Deputy Secretary of Defense, an Under Secretary of Defense, or a Principal Deputy Under Secretary of Defense” and inserting “to the Deputy Secretary of Defense, an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following new paragraph (3):

“(3) The governor of a State may recommend to the Secretary of Defense additional geographical areas of concern within that State. Any such recommendation shall be submitted for notice and comment pursuant to paragraph (2)(C).”;

(3) in subsection (e)(3), by striking “an under secretary of defense, or a deputy under secretary of defense” and inserting “an Under Secretary of Defense, or a Deputy Under Secretary of Defense”;

(4) in subsection (f), by striking “from an applicant for a project filed with the Secretary of Transportation pursuant to section 44718 of title 49” and inserting “from an entity requesting a review by the Clearinghouse under this section”;

(5) in subsection (h)—

(A) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (9), respectively;

(B) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘governor’, with respect to a State, means the chief executive officer of the State.”;

(C) in paragraph (7), as redesignated by subparagraph (A), by striking “by the Federal Aviation Administration” and inserting “by the Administrator of the Federal Aviation Administration”;

(D) by inserting after paragraph (7), as redesignated by subparagraph (A), the following new paragraph:

“(8) The term ‘State’ means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the United States Virgin Islands, and American Samoa.”.

#### SEC. 354. EXPANSION AND ENHANCEMENT OF AUTHORITIES ON TRANSFER AND ADOPTION OF MILITARY ANIMALS.

(a) TRANSFER AND ADOPTION GENERALLY.—Section 2583 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) by striking “adoption” each place it appears and inserting “transfer or adoption”;

(2) in subsection (b)—

(A) in the subsection heading, by inserting “TRANSFER OR” before “ADOPTION”; and

(B) in the first sentence, by striking “adoption” and inserting “transfer or adoption”; and

(C) in the second sentence, striking “adoptability” and inserting “transferability or adoptability”;

(3) in subsection (c)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by inserting “transfer or” before “adoption”; and

(ii) by inserting “, by” after “recommended priority”;

(B) in subparagraphs (A) and (B), by inserting “adoption” before “by”;

(C) in subparagraph (B), by inserting “or organizations” after “persons”; and

(D) in subparagraph (C), by striking “by” and inserting “transfer to”; and

(4) in subsection (e)—

(A) in the subsection heading, by inserting “OR ADOPTED” after “TRANSFERRED”; and

(B) in paragraphs (1) and (2), by striking “transferred” each place it appears and inserting “transferred or adopted”; and

(C) in paragraph (2), by striking “transfer” each place it appears and inserting “transfer or adoption”.

(b) VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.—Such section is further amended—

(1) by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f) VETERINARY SCREENING AND CARE FOR MILITARY WORKING DOGS TO BE RETIRED.—(1)(A) If the Secretary of the military department concerned determines that a military working dog should be retired, such Secretary shall transport the dog to the Veterinary Treatment Facility at Lackland Air Force Base, Texas.

“(B) In the case of a contract working dog to be retired, transportation required by subparagraph (A) is satisfied by the transfer of the dog to the 341st Training Squadron at the end of the dog’s service life as required by section 2410r of this title and assignment of the dog to the Veterinary Treatment Facility referred to in that subparagraph.

“(2)(A) The Secretary of Defense shall ensure that each dog transported as described in paragraph (1) to the Veterinary Treatment Facility referred to in that paragraph is provided with a full veterinary screening, and necessary veterinary care (including surgery for any mental, dental, or stress-related illness), before transportation of the dog in accordance with subsection (g).

“(B) For purposes of this paragraph, stress-related illness includes illness in connection with post-traumatic stress, anxiety that manifests in a physical ailment, obsessive compulsive behavior, and any other stress-related ailment.

“(3) Transportation is not required under paragraph (1), and screening and care is not required under paragraph (2), for a military working dog located outside the United States if the Secretary of the military department concerned determines that transportation of the dog to the United States would not be in the best interests of the dog for medical reasons.”.

(c) COORDINATION OF SCREENING AND CARE REQUIREMENTS WITH TRANSPORTATION REQUIREMENTS.—Subsection (g) of such section, as redesignated by subsection (b)(1) of this section, is amended to read as follows:

“(g) TRANSPORTATION OF RETIRING MILITARY WORKING DOGS.—Upon completion of veterinary screening and care for a military working dog to be retired pursuant to subsection (f), the Secretary of the military department concerned shall—

“(1) if the dog was at a location outside the United States immediately prior to transportation for such screening and care and a United States citizen or member of the armed forces living abroad agrees to adopt the dog, transport the dog to such location for adoption; or

“(2) for any other dog, transport the dog—

“(A) to the 341st Training Squadron;

“(B) to another location within the United States for transfer or adoption under this section.”.

(d) PRESERVATION OF POLICY ON TRANSFER OF MILITARY WORKING DOGS TO LAW ENFORCEMENT AGENCIES.—Subsection (h) of such section, as so redesignated, is amended in paragraph (3) by striking “adoption of military working dogs” and all that follows through the period at the end and inserting “transfer of military working dogs to law enforcement agencies before the end of the dogs’ useful working lives.”.

(e) CLARIFICATION OF HORSES TREATABLE AS MILITARY ANIMALS.—Subsection (i) of such section, as so redesignated, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) An equid (horse, mule, or donkey) owned by the Department of Defense.”.

(f) CONTRACT TERM FOR CONTRACT WORKING DOGS.—Section 2410r(a) of title 10, United States Code, is amended—

(1) by inserting “, and shall contain a contract term,” after “shall require”; and

(2) by inserting “and assigned for veterinary screening and care in accordance with section 2583 of this title” after “341st Training Squadron”; and

(3) by striking “section 2583 of this title” and inserting “such section”.

#### **SEC. 355. LIMITATION ON CONTRACTING RELATING TO DEFENSE PERSONAL PROPERTY PROGRAM.**

(a) CONTRACTING PROHIBITION.—The Secretary of Defense may not enter into or award any single or multiple-award contract to a single-source or multiple-vendor commercial provider for the management of the Defense Personal Property Program during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which the Comptroller General of the United States submits to the congressional defense committees a report on the administration of the Defense Personal Property Program, which was requested by the Committee on Armed Services of the Senate to be submitted to the congressional defense committees not later than February 15, 2020.

(b) REVIEW OF PROPOSALS.—Nothing in this section shall be construed as preventing the Secretary of Defense from reviewing or evaluating any solicited or unsolicited proposals to improve the Defense Personal Property Program.

#### **SEC. 356. PROHIBITION ON SUBJECTIVE UP-GRADINGS BY COMMANDERS OF UNIT RATINGS IN MONTHLY READINESS REPORTING ON MILITARY UNITS.**

(a) IN GENERAL.—The Chairman of the Joint Chiefs of Staff shall modify Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 3401.02B, on Force Readiness Reporting, to prohibit the commander of a military unit who is responsible for monthly reporting of the readiness of the unit under the instruction from making any upgrade of the overall rating of the unit (commonly referred to as the “C-rating”) for such reporting purposes based in whole or in part on subjective factors.

(b) WAIVER.—

(1) IN GENERAL.—The modification required by subsection (a) shall authorize an officer in a general or flag officer grade in the chain of command of a commander described in that subsection to waive the prohibition described in that subsection in connection with readiness reporting on the unit concerned if the officer considers the waiver appropriate in the circumstances.

(2) REPORTING ON WAIVERS.—Each report on personnel and unit readiness submitted to Congress for a calendar year quarter pursuant to section 482 of title 10, United States Code, shall include information on each waiver, if any, issued pursuant to paragraph (1) during such calendar year quarter.

#### **SEC. 357. EXTENSION OF TEMPORARY INSTALLATION REUTILIZATION AUTHORITY FOR ARSENALS, DEPOTS, AND PLANTS.**

Section 345(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2667 note) is amended by striking “September 30, 2020” and inserting “September 30, 2025”.

#### **SEC. 358. CLARIFICATION OF FOOD INGREDIENT REQUIREMENTS FOR FOOD OR BEVERAGES PROVIDED BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—Before making any final rule, statement, or determination regarding the limitation or prohibition of any food or beverage ingredient in military food service, military medical foods, commissary food, or commissary food service, the Secretary of Defense shall publish in the Federal Register a notice of a preliminary rule, statement, or determination (in this section referred to as a “proposed action”) and provide opportunity for public comment.

(b) MATTERS TO BE INCLUDED.—The Secretary shall include in any notice published under subsection (a) the following:

(1) The date and contact information for the appropriate office at the Department of Defense.

(2) A summary of the notice.

(3) A date for comments to be submitted and specific methods for submitting comments.

(4) A description of the substance of the proposed action.

(5) Findings and a statement of reason supporting the proposed action.

#### **SEC. 359. TECHNICAL CORRECTION TO DEADLINE FOR TRANSITION TO DEFENSE READINESS REPORTING SYSTEM STRATEGIC.**

Section 358(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended by striking “October 1, 2019” and inserting “October 1, 2020”.

### **TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS**

#### **Subtitle A—Active Forces**

#### **SEC. 401. END STRENGTHS FOR ACTIVE FORCES.**

The Armed Forces are authorized strengths for active duty personnel as of September 30, 2020, as follows:

- (1) The Army, 480,000.
- (2) The Navy, 340,500.
- (3) The Marine Corps, 186,200.
- (4) The Air Force, 332,800.

#### **Subtitle B—Reserve Forces**

#### **SEC. 411. END STRENGTHS FOR SELECTED RESERVE.**

(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2020, as follows:

- (1) The Army National Guard of the United States, 336,000.
- (2) The Army Reserve, 189,500.
- (3) The Navy Reserve, 59,000.
- (4) The Marine Corps Reserve, 38,500.

(5) The Air National Guard of the United States, 107,700.

(6) The Air Force Reserve, 70,100.

(7) The Coast Guard Reserve, 7,000.

(b) **END STRENGTH REDUCTIONS.**—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—

(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and

(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.

(c) **END STRENGTH INCREASES.**—Whenever units or individual members of the Selected Reserve of any reserve component are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be increased proportionately by the total authorized strengths of such units and by the total number of such individual members.

**SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**

Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2020, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:

(1) The Army National Guard of the United States, 30,595.

(2) The Army Reserve, 16,511.

(3) The Navy Reserve, 10,155.

(4) The Marine Corps Reserve, 2,386.

(5) The Air National Guard of the United States, 22,637.

(6) The Air Force Reserve, 4,431.

**SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).**

(a) **IN GENERAL.**—The authorized number of military technicians (dual status) as of the last day of fiscal year 2020 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:

(1) For the Army National Guard of the United States, 22,294.

(2) For the Army Reserve, 6,492.

(3) For the Air National Guard of the United States, 13,569.

(4) For the Air Force Reserve, 8,938.

(b) **VARIANCE.**—Notwithstanding section 115 of title 10, United States Code, the end strength prescribed by subsection (a) for a reserve component specified in that subsection may be increased—

(1) by 3 percent, upon determination by the Secretary of Defense that such action is in the national interest; and

(2) by 2 percent, upon determination by the Secretary of the military department concerned that such action would enhance manning and readiness in essential units or in critical specialties or ratings.

(c) **LIMITATION.**—Under no circumstances may a military technician (dual status) employed under the authority of this section be coerced by a State into accepting an offer of realignment or conversion to any other military status, including as a member of the Active, Guard, and Reserve program of a reserve component. If a military technician (dual status) declines to participate in such realignment or conversion, no further action will be taken against the individual or the individual's position.

(d) **ADJUSTMENT OF AUTHORIZED STRENGTH.**—

(1) **IN GENERAL.**—If, at the end of fiscal year 2019, the Air National Guard of the United States does not meet its full-time support realignment goals for such fiscal year (as presented in the justification materials of the Department of Defense in support of the budget of the President for such fiscal year under section 1105 of title 31, United States Code), the authorized number of military technicians (dual status) of the Air National Guard of the United States under subsection (a)(3) shall be increased by the number equal to difference between—

(A) 3,190, which is the number of military technicians (dual status) positions in the Air National Guard of the United States sought to be converted to the Active, Guard, and Reserve program of the Air National Guard during fiscal year 2019; and

(B) the number of realigned positions achieved in the Air National Guard by the end of fiscal year 2019.

(2) **LIMITATION.**—The increase under paragraph (1) in the authorized number of military technician (dual status) positions described in that paragraph may not exceed 2,292.

(3) **DECREASE IN AUTHORIZED NUMBER OF ANGUS RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.**—In the event of an adjustment to the authorized number military technicians (dual status) of the Air National Guard of the United States under this subsection, the number of members of the Air National Guard of the United States authorized by section 412(5) to be on active duty as of September 30, 2020, shall be decreased by the number equal to the number of such adjustment.

(e) **CERTIFICATION.**—Not later than January 1, 2020, the Chief of the National Guard Bureau shall certify to the Committees on Armed Services of the Senate and House of Representatives the number of positions realigned from a military technician (dual status) position to a position in the Active, Guard, and Reserve program of a reserve component in fiscal year 2019.

(f) **DEFINITIONS.**—In subsections (c), (d), and (e):

(1) The term “realigned position” means any military technician (dual status) position which has been converted or realigned to a position in an Active, Guard, and Reserve program of a reserve component under the full time support rebalancing plan of the Armed Force concerned, regardless of whether such position is encumbered.

(2) The term “Active, Guard, and Reserve program”, in the case of a reserve component, means the program of the reserve component under which Reserves serve on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training such reserve component.

**SEC. 414. MAXIMUM NUMBER OF RESERVE PERSONNEL AUTHORIZED TO BE ON ACTIVE DUTY FOR OPERATIONAL SUPPORT.**

During fiscal year 2020, the maximum number of members of the reserve components of the Armed Forces who may be serving at any time on full-time operational support duty under section 115(b) of title 10, United States Code, is the following:

(1) The Army National Guard of the United States, 17,000.

(2) The Army Reserve, 13,000.

(3) The Navy Reserve, 6,200.

(4) The Marine Corps Reserve, 3,000.

(5) The Air National Guard of the United States, 16,000.

(6) The Air Force Reserve, 14,000.

**SEC. 415. AUTHORIZED STRENGTHS FOR MARINE CORPS RESERVES ON ACTIVE DUTY.**

(a) **OFFICERS.**—Section 12011(a)(1) of title 10, United States Code, is amended by striking that part of the table pertaining to the Marine Corps Reserve and inserting the following:

“Marine Corps Reserve:

2,400 .....	143	105	34
2,500 .....	149	109	35
2,600 .....	155	113	36
2,700 .....	161	118	37
2,800 .....	167	122	39
2,900 .....	173	126	41
3,000 .....	179	130	42”.

(b) **SENIOR ENLISTED MEMBERS.**—Section 12012(a) of title 10, United States Code, is amended by striking that part of the table pertaining to the Marine Corps Reserve and inserting the following:

“Marine Corps Reserve:

2,400 .....	106	24
2,500 .....	112	25
2,600 .....	116	26
2,700 .....	121	27
2,800 .....	125	28
2,900 .....	130	29
3,000 .....	134	30”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

**Subtitle C—Authorization of Appropriations**

**SEC. 421. MILITARY PERSONNEL.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4401.

(b) **CONSTRUCTION OF AUTHORIZATION.**—The authorization of appropriations in subsection (a) supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2020.

**TITLE V—MILITARY PERSONNEL POLICY**

**Subtitle A—Officer Personnel Policy**

**SEC. 501. REPEAL OF CODIFIED SPECIFICATION OF AUTHORIZED STRENGTHS OF CERTAIN COMMISSIONED OFFICERS ON ACTIVE DUTY.**

Effective as of October 1, 2020, the text of section 523 of title 10, United States Code, is amended to read as follows:

“The total number of commissioned officers serving on active duty in the Army, Air Force, or Marine Corps in each of the grades of major, lieutenant colonel, or colonel, or in the Navy in each of the grades of lieutenant commander, commander, or captain, at the end of any fiscal year shall be as specifically authorized by Act of Congress for such fiscal year.”.

**SEC. 502. MAKER OF ORIGINAL APPOINTMENTS IN A REGULAR OR RESERVE COMPONENT OF COMMISSIONED OFFICERS PREVIOUSLY SUBJECT TO ORIGINAL APPOINTMENT IN OTHER TYPE OF COMPONENT.**

(a) **MAKER OF REGULAR APPOINTMENTS IN TRANSFER FROM RESERVE ACTIVE-STATUS LIST TO ACTIVE-DUTY LIST.**—Section 531(c) of title 10, United States Code, is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(b) **MAKER OF RESERVE APPOINTMENTS IN TRANSFER FROM ACTIVE-DUTY LIST TO RESERVE ACTIVE-STATUS LIST.**—Subsection (b) of section 12203 of such title is amended by striking “the Secretary concerned” and inserting “the Secretary of Defense”.

(c) **TREATMENT OF REGULAR APPOINTMENT AS CONSTRUCTIVE RESERVE APPOINTMENT TO**

FACILITATE TRANSFER FROM ACTIVE DUTY LIST TO RESERVE ACTIVE-STATUS LIST.—Such section 12203 is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) For purposes of appointments under this section, an officer who receives an original appointment as a regular commissioned officer in a grade under section 531 of this title that is made on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 shall be deemed also to have received an original appointment as a reserve commissioned officer in such grade.”.

**SEC. 503. FURNISHING OF ADVERSE INFORMATION ON OFFICERS TO PROMOTION SELECTION BOARDS.**

(a) **EXPANSION OF GRADES OF OFFICERS FOR WHICH INFORMATION IS FURNISHED.**—Section 615(a)(3) of title 10, United States Code, is amended—

(1) by inserting “(A)” after “(3)”;

(2) in subparagraph (A), as designated by paragraph (1), by striking “a grade above colonel or, in the case of the Navy, captain,” and inserting “a grade specified in subparagraph (B)”;

(3) by adding at the end the following new subparagraph:

“(B) A grade specified in this subparagraph is as follows:

“(i) In the case of a regular officer, a grade above captain or, in the case of the Navy, lieutenant.

“(ii) In the case of a reserve officer, a grade above lieutenant colonel or, in the case of the Navy, commander.”.

(b) **FURNISHING AT EVERY PHASE OF CONSIDERATION.**—Such section is further amended by adding at the end the following new subparagraph:

“(C) The standards and procedures referred to in subparagraph (A) shall require the furnishing to the selection board, and to each individual member of the board, the information described in that paragraph with regard to an officer in a grade specified in subparagraph (B) at each stage or phase of the selection board, concurrent with the screening, rating, assessment, evaluation, discussion, or other consideration by the board or member of the official military personnel file of the officer, or of the officer.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the proceedings of promotion selection boards convened under section 611(a) of title 10, United States Code, after that date.

**SEC. 504. LIMITATION ON NUMBER OF OFFICERS RECOMMENDABLE FOR PROMOTION BY PROMOTION SELECTION BOARDS.**

(a) **IN GENERAL.**—Section 616 of title 10, United States Code is amended—

(1) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) The number of officers recommended for promotion by a selection board convened under section 611(a) of this title may not exceed the number equal to 95 percent of the number of officers included in the promotion zone established under section 623 of this title for consideration by the board.”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to consideration by promotion selection boards convened under section 611(a) of title 10, United States Code, of promotion zones that are established under section 623 of that title on or after that date.

**SEC. 505. EXPANSION OF AUTHORITY FOR CONTINUATION ON ACTIVE DUTY OF OFFICERS IN CERTAIN MILITARY SPECIALTIES AND CAREER TRACKS.**

Section 637a(a) of title 10, United States Code, is amended by inserting “separation or” after “provided for the”.

**SEC. 506. HIGHER GRADE IN RETIREMENT FOR OFFICERS FOLLOWING REOPENING OF DETERMINATION OR CERTIFICATION OF RETIRED GRADE.**

(a) **ADVICE AND CONSENT OF SENATE REQUIRED FOR HIGHER GRADE.**—Section 1370(f) of title 10, United States Code, is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) If the retired grade of an officer is proposed to be increased through the reopening of the determination or certification of officer's retired grade, the increase in the retired grade shall be made by the Secretary of Defense, by and with the advice and consent of the Senate.”.

(b) **RECALCULATION OF RETIRED PAY.**—Paragraph (6) of such section, as redesignated by subsection (a)(1), is amended—

(1) by inserting “or increased” after “reduced”;

(2) by inserting “as a result of the reduction or increase” after “any modification of the retired pay of the officer”;

(3) by inserting “or increase” after “the reduction”;

(4) by adding at the end the following new sentence: “An officer whose retired grade is increased as described in the preceding sentence shall not be entitled to an increase in retired pay for any period before the effective date of the increase.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply to an increase in the retired grade of an officer that occurs through a reopening of the determination or certification of the officer's retired grade of officer on or after that date, regardless of when the officer retired.

**SEC. 507. AVAILABILITY ON THE INTERNET OF CERTAIN INFORMATION ABOUT OFFICERS SERVING IN GENERAL OR FLAG OFFICER GRADES.**

(a) **AVAILABILITY REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of each military department shall make available on an Internet website of such department available to the public information specified in paragraph (2) on each officer in a general or flag officer grade under the jurisdiction of such Secretary, including any such officer on the reserve active-status list.

(2) **INFORMATION.**—The information on an officer specified by this paragraph to be made available pursuant to paragraph (1) is the information as follows:

(A) The officer's name.

(B) The officer's current grade, duty position, command or organization, and location of assignment.

(C) A summary list of the officer's past duty assignments while serving in a general or flag officer grade.

(b) **ADDITIONAL PUBLIC NOTICE ON CERTAIN OFFICERS.**—Whenever an officer in a grade of O-7 or above is assigned to a new billet or reassigned from a current billet, the Secretary of the military department having jurisdiction of such officer shall make available on an Internet website of such department available to the public a notice of such assignment or reassignment.

(c) **LIMITATION ON WITHHOLDING OF CERTAIN INFORMATION OR NOTICE.**—

(1) **LIMITATION.**—The Secretary of a military department may not withhold the information or notice specified in subsections (a)

and (b) from public availability pursuant to subsection (a), unless and until the Secretary notifies the Committees on Armed Services of the Senate and the House of Representatives in writing of the information or notice that will be so withheld, together with justification for withholding the information or notice from public availability.

(2) **LIMITED DURATION OF WITHHOLDING.**—The Secretary concerned may withhold from the public under paragraph (1) information or notice on an officer only on the bases of individual risk to the officer or in the interest of national security, and may continue to withhold such information or notice only for so long as the basis for withholding remains in force.

**Subtitle B—Reserve Component Management**

**SEC. 511. REPEAL OF REQUIREMENT FOR REVIEW OF CERTAIN ARMY RESERVE OFFICER UNIT VACANCY PROMOTIONS BY COMMANDERS OF ASSOCIATED ACTIVE DUTY UNITS.**

Section 1113 of the Army National Guard Combat Readiness Reform Act of 1992 (10 U.S.C. 10105 note) is repealed.

**Subtitle C—General Service Authorities**

**SEC. 515. MODIFICATION OF AUTHORITIES ON MANAGEMENT OF DEPLOYMENTS OF MEMBERS OF THE ARMED FORCES AND RELATED UNIT OPERATING AND PERSONNEL TEMPO MATTERS.**

(a) **LIMITATION ON SCOPE OF DELEGATIONS OF APPROVAL OF EXCEPTIONS TO DEPLOYMENT THRESHOLDS.**—Paragraph (3) of subsection (a) of section 991 of title 10, United States Code, is amended by striking “be delegated to—” and all that follows and inserting “be delegated to a civilian officer of the Department of Defense appointed by the President, by and with the advice and consent of the Senate.”.

(b) **SEPARATE POLICIES ON DWELL TIME FOR REGULAR AND RESERVE MEMBERS.**—Paragraph (4) of such subsection is amended—

(1) by striking “addresses the amount” and inserting “addresses each of the following:

“(1) The amount”;

(2) in paragraph (1), as designated by paragraph (1) of this subsection, by inserting “regular” before “member”;

(3) by adding at the end the following new paragraph:

“(2) The amount of dwell time a reserve member of the armed forces remains at the member's permanent duty station after completing a deployment of 30 days or more in length.”.

(c) **REPEAL OF AUTHORITY TO PRESCRIBE ALTERNATIVE DEFINITION OF “DEPLOYMENT”.**—Subsection (b) of such section is amended by striking paragraph (4).

**SEC. 516. REPEAL OF REQUIREMENT THAT PARANTAL LEAVE BE TAKEN IN ONE INCREMENT.**

(a) **IN GENERAL.**—Subsection (i) of section 701 of title 10, United States Code, is amended—

(1) by striking paragraph (5); and

(2) by redesignating paragraphs (6) through (10) as paragraphs (5) through (9), respectively.

(b) **CONFORMING AMENDMENTS.**—Subsection (j)(4) of such section is amended—

(1) by striking “paragraphs (6) through (10)” and inserting “paragraphs (5) through (9)”;

(2) by striking “paragraph (9)(B)” and inserting “paragraph (8)(B)”.

**SEC. 517. DIGITAL ENGINEERING AS A CORE COMPETENCY OF THE ARMED FORCES.**

(a) **POLICY.**—

(1) **IN GENERAL.**—It shall be a policy of the Department of Defense to promote and maintain digital engineering as a core competency of the civilian and military workforces of the Department, which policy shall be achieved by—



(A) the recruitment, development, and retention of civilian employees and members of the Armed Forces with aptitude, experience, proficient expertise, or a combination thereof in digital engineering in and to the Department;

(B) at the discretion of the Secretaries of the military departments, the development and maintenance of civilian and military career tracks on digital engineering, and related digital competencies (including data science, machine learning, software engineering, software product management, and artificial intelligence product management) for civilian employees of the Department and members of the Armed Forces, including the development and maintenance of training, education, talent management, incentives, and promotion policies in support of members at all levels of such career tracks; and

(C) the development and application of appropriate readiness standards and metrics to measure and report on the overall capability, capacity, use, and readiness of digital engineering civilian and military workforces to develop and deliver operational capabilities, leverage modern digital engineering technologies, develop advanced capabilities to support military missions, and employ modern business practices.

(2) **DIGITAL ENGINEERING.**—For purposes of this section, digital engineering is the discipline and set of skills involved in the creation, processing, transmission, integration, and storage of digital data.

(b) **RESPONSIBILITY.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall appoint a civilian official of the Department of Defense, at a level no lower than Assistant Secretary of Defense, for the development and discharge of the policy set forth in subsection (a). The official so designated shall be known as the “Chief Digital Engineering Recruitment and Management Officer of the Department of Defense” (in this section referred to as the “Officer”).

(c) **DUTIES.**—In developing and providing for the discharge of the policy set forth in subsection (a), the Officer shall, in consultation with the Secretaries of the military departments, do the following:

(1) Develop recruitment programs with various core initiatives, programs, activities, and mechanisms to identify and recruit civilians employees of the Department of Defense and members of the Armed Forces with demonstrated aptitude, interest, proficient expertise, or a combination thereof, in digital engineering particularly, and in science, technology, engineering, and mathematics (STEM) generally, including initiatives, programs, activities, and mechanisms to target populations of individuals not typically aware of opportunities in the Armed Forces for a digital engineering career.

(2) Develop and maintain education, training, doctrine, and professional development activities to support digital engineering skills of civilian employees of the Department and members of the Armed Forces.

(3) Coordinate and synchronize digital force management activities throughout the Department, advise the Secretary of Defense on all matters pertaining to the health and readiness of digital forces, convene a Department-wide executive steering group, and submit to Congress an annual report on the readiness of digital forces and progress toward achieving the policy.

(4) Create a Department-wide mechanism to track digital expertise in the workforce, develop and maintain organizational policies, strategies, and plans sufficient to build, maintain, and refresh internal capacity at scale, and report to the Secretary quarterly on the health and readiness of digital forces.

(5) Assist the military departments in designing, developing, and executing programs and incentives to retain, track, and oversee digital expertise among civilian employees of the Department and members of the Armed Forces on active duty.

(6) At the request of the Chief of Staff of an Armed Force, or the head of another component or element of the Department, undertake an executive search for key leadership positions in digital engineering in such Armed Force, component, or element, and develop and deploy agile hiring and competitive compensation processes to fill such positions.

(7) Identify necessary changes in authorities, policies, resources, or a combination thereof to further the policy.

(8) Develop a definition for digital engineering consistent with and aligned to Department needs and processes.

(d) **PLAN.**—Not later than June 1, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to meet the requirements of this section. The plan shall set forth the following:

(1) An identification of the Officer.

(2) A timeline for full implementation of the requirements of this section.

(3) A description of the career tracks authorized by this section for both the civilian and military workforces of the Department of Defense.

(4) Recommendations for such legislative or administrative action as the Secretary considers appropriate in connection with implementation of such requirements.

#### **SEC. 518. MODIFICATION OF NOTIFICATION ON MANNING OF AFLOAT NAVAL FORCES.**

(a) **TIMING OF NOTIFICATION.**—Subsection (a) of section 525 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) in the matter preceding paragraph (1), by striking “not later than 15 days after any of the following conditions are met:” and inserting “not later than 30 days after the end of each fiscal year quarter, of each covered ship (if any) that, as of the last day of such fiscal year quarter, met either condition as follows:”; and

(2) in paragraphs (1) and (2), by striking “is less” and inserting “was less”.

(b) **DEFINITIONS OF MANNING FIT AND MANNING FILL.**—Subsection (d) of such section is amended in paragraphs (1) and (2) by striking “the billets authorized” and inserting “the ship manpower document requirement.”.

#### **SEC. 519. REPORT ON EXPANSION OF THE CLOSE AIRMAN SUPPORT TEAM APPROACH OF THE AIR FORCE TO THE OTHER ARMED FORCES.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretaries of the military departments shall jointly submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the Secretaries of the feasibility and advisability of expanding the Close Airman Support (CAS) team approach of the Air Force to the other Armed Forces under the jurisdiction of such Secretaries.

(b) **CLOSE AIRMAN SUPPORT TEAM APPROACH.**—The Close Airman Support team approach of the Air Force referred to in subsection (a) is an approach by which personnel associated with an Air Force squadron, and led by a senior enlisted member of the squadron, take actions to improve relationships and communication among members of the squadron in order to promote positive social behaviors among such members as a squadron, including an embrace of proactive pursuit of needed assistance.

(c) **SCOPE OF REPORT.**—If the Secretaries determine that expansion of the Close Air-

man Support team approach to the other Armed Forces is feasible and advisable, the report under subsection (a) shall include a description of the manner in which the approach will be carried out in the other Armed Forces, including the manner, if any, in which the approach will be modified in the other Armed Forces to take into account the unique circumstances of such Armed Forces.

#### **Subtitle D—Military Justice and Related Matters**

### **PART I—MATTERS RELATING TO INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT GENERALLY**

#### **SEC. 521. DEPARTMENT OF DEFENSE-WIDE POLICY AND MILITARY DEPARTMENT-SPECIFIC PROGRAMS ON REINVIGORATION OF THE PREVENTION OF SEXUAL ASSAULT INVOLVING MEMBERS OF THE ARMED FORCES.**

(a) **POLICY REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall develop and issue a comprehensive policy for the Department to reinvigorate the prevention of sexual assault involving members of the Armed Forces.

(b) **POLICY ELEMENTS.**—

(1) **IN GENERAL.**—The policy required by subsection (a) shall include the following:

(A) Education and training for members of the Armed Forces on the prevention of sexual assault.

(B) Elements for programs designed to encourage and promote healthy relationships among members of the Armed Forces.

(C) Elements for programs designed to empower and enhance the role of non-commissioned officers in the prevention of sexual assault.

(D) Elements for programs to foster social courage among members of the Armed Forces to encourage and promote intervention in situations in order to prevent sexual assault.

(E) Processes and mechanisms designed to address behaviors among members of the Armed Forces that are included in the continuum of harm that frequently results in sexual assault.

(F) Elements for programs designed to address alcohol abuse, including binge drinking, among members of the Armed Forces.

(G) Such other elements, processes, mechanisms, and other matters as the Secretary of Defense considers appropriate.

(2) **CONTINUUM OF HARM RESULTING IN SEXUAL ASSAULT.**—For purposes of paragraph (1)(E), the continuum of harm that frequently results in sexual assault includes hazing, sexual harassment, and related behaviors (including language choices, off-hand statements, jokes, and unconscious attitudes or biases) that create a permissive climate for sexual assault.

(c) **PROGRAMS REQUIRED.**—Not later than 180 days after the issuance of the policy required by subsection (a), each Secretary of a military department shall develop and implement for each Armed Force under the jurisdiction of such Secretary a program to reinvigorate the prevention of sexual assaults involving members of the Armed Forces. Each program shall include the elements, processes, mechanisms, and other matters developed by the Secretary of Defense pursuant to subsection (a) tailored to the requirements and circumstances of the Armed Force or Armed Forces concerned.

#### **SEC. 522. ENACTMENT AND EXPANSION OF POLICY ON WITHHOLDING OF INITIAL DISPOSITION AUTHORITY FOR CERTAIN OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) **INITIAL DISPOSITION AUTHORITY.**—

(1) IN GENERAL.—Except as provided in paragraph (2), the proper authority for a determination of disposition of reported offenses with respect to any offense specified in subsection (b) shall be an officer in a grade not below the grade of O-6 in the chain of command of the subject who is authorized by chapter 47 of such title (the Uniform Code of Military Justice) to convene special courts-martial.

(2) AUTHORITY WHEN SUBJECT AND VICTIM ARE IN DIFFERENT CHAINS OF COMMAND.—If the victim of an offense specified in subsection (b) is in a different chain of command than the subject, the proper authority under paragraph (1), for any reported offenses in connection with misconduct of the victim arising out of the incident in which the offense is alleged to have occurred, shall be an officer described in that paragraph in the chain of command of the victim.

(3) CONSTRUCTION.—Nothing in this subsection shall be construed—

(A) to prohibit the preferral of charges by an authorized person under section 830(a)(1) of title 10, United States Code (article 30(a)(1) of the Uniform Code of Military Justice), with respect to the offenses specified in subsection (b), and the forwarding of such charges as so preferred to the proper authority under paragraph (1) with a recommendation as disposition; or

(B) to prohibit an officer in a grade below the grade of O-6 from advising an officer described in paragraph (1) who is making a determination described in that paragraph with respect to the disposition of the offenses involved.

(b) COVERED OFFENSES.—An offense specified in this subsection is any offense as follows:

(1) An offense under section 893 of title 10, United States Code (article 93 of the Uniform Code of Military Justice), relating to cruelty and maltreatment, if the offense constitutes sexual harassment.

(2) An offense under section 893a of title 10, United States Code (article 93a of the Uniform Code of Military Justice), relating to prohibited activity with a military recruit or trainee by a person in a position of special trust.

(3) An offense under section 918 of title 10, United States Code (article 118 of the Uniform Code of Military Justice), relating to murder, if the offense is committed in connection with family abuse or other domestic violence.

(4) An offense under section 919 of title 10, United States Code (article 119 of the Uniform Code of Military Justice), relating to manslaughter, if the offense is committed in connection with family abuse or other domestic violence.

(5) An offense under section 919a of title 10, United States Code (article 119a of the Uniform Code of Military Justice), relating to death or injury of an unborn child, if the offense is committed in connection with family abuse or other domestic violence.

(6) An offense under section 919b of title 10, United States Code (article 119b of the Uniform Code of Military Justice), relating to child endangerment, if the offense is committed in connection with family abuse or other domestic violence.

(7) An offense under section 920 of title 10, United States Code (article 120 of the Uniform Code of Military Justice), relating to rape and sexual assault generally.

(8) An offense under section 920b of title 10, United States Code (article 120b of the Uniform Code of Military Justice), relating to rape and sexual assault of a child.

(9) An offense under section 920c of title 10, United States Code (article 120c of the Uniform Code of Military Justice), relating to other sexual misconduct.

(10) An offense under section 925 of title 10, United States Code (article 125 of the Uniform Code of Military Justice), relating to kidnapping, if the offense is committed in connection with family abuse or other domestic violence.

(11) An offense under section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice), relating to aggravated assault, if the offense is committed in connection with family abuse or other domestic violence.

(12) An offense under section 928a of title 10, United States Code (article 128a of the Uniform Code of Military Justice), relating to maiming, if the offense is committed in connection with family abuse or other domestic violence.

(13) An offense under section 928b of title 10, United States Code (article 128b of the Uniform Code of Military Justice), relating to domestic violence.

(14) An offense under section 930 of title 10, United States Code (article 130 of the Uniform Code of Military Justice), relating to stalking, if the offense is committed in connection with family abuse or other domestic violence.

(15) An offense under section 932 of title 10, United States Code (article 132 of the Uniform Code of Military Justice), relating to retaliation.

(16) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense relates to child pornography.

(17) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense—

(A) relates to animal abuse; and

(B) is committed in connection with family abuse or other domestic violence.

(18) An offense under section 934 of title 10, United States Code (article 134 of the Uniform Code of Military Justice), if the offense—

(A) relates to negligent homicide; and

(B) is committed in connection with family abuse or other domestic violence.

(19) An attempt to commit an offense specified in a paragraph (1) through (18) as punishable under section 880 of title 10, United States Code (article 80 of the Uniform Code of Military Justice).

(c) SCOPE OF DISPOSITION AUTHORITY WITH RESPECT TO PARTICULAR OFFENSES.—The authority in subsection (a) of an officer to make a disposition determination described in that subsection with respect to any offense specified in subsection (b) extends to a determination of disposition with respect to any other offenses against the subject arising out of the incident in which the offense is alleged to have occurred.

(d) SCOPE OF DISPOSITION DETERMINATIONS.—Except for an offense specified in section 818(c) of title 10, United States Code (article 18(c) of the Uniform Code of Military Justice), of which only general courts-martial have jurisdiction, the disposition determinations permissible in the exercise of the authority under this section with respect to charges and specifications are as follows:

(1) No action.

(2) Administrative action.

(3) Imposition of non-judicial punishment.

(4) Preferral of charges.

(5) If such charges and specifications were preferred from a subordinate, dismissal of charges or referral to court-martial for trial.

(6) Forwarding to a superior or subordinate authority for further disposition.

(e) REVIEW OF CERTAIN DISPOSITION DETERMINATIONS.—

(1) INITIAL REVIEW AND RECOMMENDATION.—If a disposition determination under this section with respect to an offense is for a dis-

position specified in paragraph (1), (2), or (3) of subsection (d) and the legal advisor to the officer making the disposition determination has recommended a disposition specified in paragraph (4), (5), or (6) of that subsection, a Special Victim Prosecutor (SVP), Senior Trial Counsel (STC), or Regional Trial Counsel (RTC) not in the chain of command of the officer making the disposition determination shall—

(A) review the disposition determination; and

(B) recommend to the staff judge advocate in the chain of command whether to endorse or supersede the disposition determination.

(2) SJA REVIEW AND ADVICE.—Upon completion of a review of a recommendation under paragraph (1)(B), the staff judge advocate concerned shall advise the next superior commander in the chain of command of the officer making the original disposition determination whether such disposition determination should be endorsed or superseded.

(3) FINAL DISPOSITION DETERMINATION.—After considering advice under paragraph (2) with respect to an original disposition determination, the superior commander concerned shall—

(A) make a new disposition determination with respect to the offenses concerned; or

(B) endorse the original disposition determination for appropriate further action.

(f) TRAINING.—

(1) IN GENERAL.—The training provided to commissioned officers of the Armed Forces in grades O-6 and above on the exercise of authority pursuant to this section for determinations of the disposition of an offense specified in subsection (b) shall include specific training on such matters in connection with sexual harassment, sexual assault, and family abuse and domestic violence as the Secretary of Defense considers appropriate to make informed disposition determinations under such authority.

(2) CONSTRUCTION.—Nothing in this subsection shall be construed to deprive a court-martial of jurisdiction based on the level or amount of training received by the disposition authority pursuant to this section.

(g) MANUAL FOR COURTS-MARTIAL.—The President shall implement the requirement of this section into the Manual for Courts-Martial in accordance with section 836 of title 10, United States Code (article 36 of the Uniform Code of Military Justice).

#### **SEC. 523. TRAINING FOR SEXUAL ASSAULT INITIAL DISPOSITION AUTHORITIES ON EXERCISE OF DISPOSITION AUTHORITY FOR SEXUAL ASSAULT AND COLLATERAL OFFENSES.**

(a) IN GENERAL.—The training for Sexual Assault Initial Disposition Authorities (SAIDAs) on the exercise of disposition authority under chapter 47, United States Code (the Uniform Code of Military Justice), with respect to cases for which disposition authority is withheld to such Authorities by the April 20, 2012, memorandum of the Secretary of Defense, or any successor memorandum, shall include comprehensive training on the exercise by such Authorities of such authority with respect to such cases in order to enhance the capabilities of such Authorities in the exercise of such authority and thereby promote confidence and trust in the military justice process with respect to such cases.

(b) MEMORANDUM OF SECRETARY OF DEFENSE.—The April 20, 2012, memorandum of the Secretary of Defense referred to in subsection (a) is the memorandum of the Secretary of Defense entitled “Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases” and dated April 20, 2012.

**SEC. 524. EXPANSION OF RESPONSIBILITIES OF COMMANDERS FOR VICTIMS OF SEXUAL ASSAULT COMMITTED BY ANOTHER MEMBER OF THE ARMED FORCES.**

(a) NOTIFICATION OF VICTIMS OF EVENTS IN MILITARY JUSTICE PROCESS.—

(1) NOTIFICATION REQUIRED.—Except as provided in paragraph (2), the commander of a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces (whether or not such other member is in the command of such commander) shall provide notification to such victim of every key or other significant event in the military justice process in connection with the investigation, prosecution, and confinement of such other member for alleged sexual assault.

(2) ELECTION OF VICTIM NOT TO RECEIVE.—A commander is not required by paragraph (1) to provide notifications to a victim as described in that paragraph if the victim elects not to be provided such notifications.

(3) DOCUMENTATION.—Each commander described in paragraph (1) shall create and maintain appropriate documentation on the following:

(A) Any notification provided as described in paragraph (1).

(B) Any election made pursuant to paragraph (2).

(b) DOCUMENTATION OF VICTIM'S PREFERENCE ON JURISDICTION IN PROSECUTION.—In the case of a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces who is subject to prosecution for such alleged offense both by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), and by a civilian court under Federal or State law, the commander of such victim shall create and maintain appropriate documentation of the expressed preference, if any, of such victim for prosecution of such alleged offense by court-martial or by a civilian court as provided for by Rule 306(e) of the Rules for Court-Martial.

(c) REGULATIONS.—The Secretary of Defense shall prescribe in regulations the requirements applicable to each of the following:

- (1) Notifications under subsection (a)(1).
- (2) Elections under subsection (a)(2).
- (3) Documentation under subsection (a)(3).
- (4) Documentation under subsection (b).

**SEC. 525. TRAINING FOR COMMANDERS IN THE ARMED FORCES ON THEIR ROLE IN ALL STAGES OF MILITARY JUSTICE IN CONNECTION WITH SEXUAL ASSAULT.**

(a) IN GENERAL.—The training provided commanders in the Armed Forces shall include comprehensive training on the role of commanders in all stages of military justice in connection with sexual assaults by members of the Armed Forces.

(b) ELEMENTS TO BE COVERED.—The training provided pursuant to subsection (a) shall include training on the following:

(1) The role of commanders in each stage of the military justice process in connection with sexual assault committed by a member of the Armed Forces, including investigation and prosecution.

(2) The role of commanders in assuring that victims in sexual assault described in paragraph (1) are informed of, and have the opportunity to obtain, assistance available for victims of sexual assault by law.

(3) The role of commanders in assuring that victims in sexual assault described in paragraph (1) are afforded the due process rights and protections available to victims by law.

(4) The role of commanders in preventing retaliation against victims, their family

members, witnesses, first responders, and bystanders for their their complaints, statements, testimony, and status in connection with sexual assault described in paragraph (1), including the role of commanders in ensuring that subordinates in the command are aware of their responsibilities in preventing such retaliation.

(5) The role of commanders in establishing and maintaining a healthy command climate in connection with reporting on sexual assault described in paragraph (1) and in the response of the commander, subordinates in the command, and other personnel in the command to such sexual assault, such reporting, and the military justice process in connection with such sexual assault.

(6) Any other matters on the role of commanders in connection with sexual assault described in paragraph (1) that the Secretary of Defense considers appropriate for purposes of this section.

(c) INCORPORATION OF BEST PRACTICES.—

(1) IN GENERAL.—The training provided pursuant to subsection (a) shall incorporate best practices on all matters covered by the training.

(2) IDENTIFICATION OF BEST PRACTICES.—The Secretaries of the military departments shall, acting through the training and doctrine commands of the Armed Forces, undertake from time to time surveys and other reviews of the matters covered by the training provided pursuant to subsection (a) in order to identify and incorporate into such training the most current practicable best practices on such matters.

(d) UNIFORMITY.—The Secretary of Defense shall ensure that the training provided pursuant to subsection (a) is, to the extent practicable, uniform across the Armed Forces.

**SEC. 526. NOTICE TO VICTIMS OF ALLEGED SEXUAL ASSAULT OF PENDENCY OF FURTHER ADMINISTRATIVE ACTION FOLLOWING A DETERMINATION NOT TO REFER TO TRIAL BY COURT-MARTIAL.**

Under regulations prescribed by the Secretary of Defense, upon a determination not to refer a case of alleged sexual assault for trial by court-martial under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), the commander making such determination shall periodically notify the victim of the status of a final determination on further action on such case, whether non-judicial punishment under section 815 of such title (article 15 of the Uniform Code of Military Justice), other administrative action, or no further action. Such notifications shall continue not less frequently than monthly until such final determination.

**SEC. 527. SAFE TO REPORT POLICY APPLICABLE ACROSS THE ARMED FORCES.**

(a) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, prescribe in regulations a safe to report policy described in subsection (b) that applies with respect to all members of the Armed Forces (including members of the reserve components of the Armed Forces) and cadets and midshipmen at the military service academies.

(b) SAFE TO REPORT POLICY.—The safe to report policy described in this subsection is a policy under which a member of the Armed Forces who is the victim of an alleged sexual assault, but who may have committed minor collateral misconduct at or about the time of such alleged sexual assault, or whose minor collateral misconduct is discovered only as a result of the investigation into such alleged sexual assault, may report such alleged sexual assault to proper authorities without fear or receipt of discipline in connection with such minor collateral misconduct ab-

sent aggravating circumstances that increase the gravity of the minor collateral misconduct or its impact on good order and discipline.

(c) MINOR COLLATERAL MISCONDUCT.—For purposes of the safe to report policy, minor collateral misconduct shall include any of the following:

- (1) Improper use or possession of alcohol.
- (2) Consensual intimate behavior (including adultery) or fraternization.
- (3) Presence in an off-limits area.
- (4) Such other misconduct as the Secretary of Defense shall specify in the regulations under subsection (a).

(d) AGGRAVATING CIRCUMSTANCES.—The regulations under subsection (a) shall specify aggravating circumstances that increase the gravity of minor collateral misconduct or its impact on good order and discipline for purposes of the safe to report policy.

**SEC. 528. REPORT ON EXPANSION OF AIR FORCE SAFE TO REPORT POLICY ACROSS THE ARMED FORCES.**

(a) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments and the Secretary of Homeland Security, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of expanding the applicability of the safe to report policy described in subsection (b) so that the policy applies across the Armed Forces.

(b) SAFE TO REPORT POLICY.—The safe to report policy described in this subsection is the policy, currently applicable in the Air Force alone, under which a member of the Armed Forces who is the victim of an alleged sexual assault committed by another member of the Armed Forces, but who may have committed minor collateral misconduct at or about the time of such alleged sexual assault, or whose minor collateral misconduct at or about such time is discovered only as a result of the investigation into such alleged sexual assault, may report such alleged sexual assault to proper authorities without fear or receipt of discipline in connection with such minor collateral misconduct.

**SEC. 529. PROPOSAL FOR SEPARATE PUNITIVE ARTICLE IN THE UNIFORM CODE OF MILITARY JUSTICE ON SEXUAL HARASSMENT.**

Not later than 180 days after the date of the enactment of this Act, the Joint Service Committee on Military Justice shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth recommendations for legislative and administrative action required to establish a separate punitive article in chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), on sexual harassment.

**SEC. 530. TREATMENT OF INFORMATION IN CATCH A SERIAL OFFENDER PROGRAM FOR CERTAIN PURPOSES.**

(a) EXCLUSION FROM FOIA.—Section 552 of title 5, United States Code (commonly referred to as the "Freedom of Information Act"), shall not apply to any report for purposes of the Catch a Serial Offender (CATCH) Program.

(b) PRESERVATION OF RESTRICTED REPORT.—The transmittal or receipt in connection with the Catch a Serial Offender Program of a report on a sexual assault that is treated as a restricted report shall not operate to terminate its treatment or status as a restricted report.

**SEC. 531. REPORT ON PRESERVATION OF RE-COURSE TO RESTRICTED REPORT ON SEXUAL ASSAULT FOR VICTIMS OF SEXUAL ASSAULT FOLLOWING CERTAIN VICTIM OR THIRD-PARTY COMMUNICATIONS.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report making findings and recommendations on the feasibility and advisability of a policy for the Department of Defense that would permit a victim of a sexual assault, that is or may be investigated as a result of a communication described in subsection (b), which victim is a member of the Armed Forces or an adult dependent of a member of the Armed Forces, to have the reporting on the sexual assault be treated as a restricted report without regard to the party initiating or receiving such communication.

(b) **COMMUNICATIONS.**—A communication described in this subsection is a communication reporting a sexual assault as follows:

(1) By the victim to a member of the Armed Forces, whether a commissioned officer or a noncommissioned officer, in the chain of command of the victim or the victim's military sponsor.

(2) By the victim to military law enforcement personnel or personnel of a military criminal investigative organization (MCIO).

(3) By any individual other than victim.

(c) **SCOPE OF FINDINGS AND RECOMMENDATIONS.**—The report required by subsection (a) may include recommendations for new provisions of statute or regulations, or modification of current statute or regulations, that may be required to put into effect the findings and recommendations described in subsection (a).

(d) **CONSULTATION.**—In preparing the report required by subsection (a), the Secretary shall consult with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) under section 546 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note).

**SEC. 532. AUTHORITY FOR RETURN OF PERSONAL PROPERTY TO VICTIMS OF SEXUAL ASSAULT WHO FILE A RESTRICTED REPORT BEFORE CONCLUSION OF RELATED PROCEEDINGS.**

Section 586 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 1561 note) is amended—

(1) by redesignating subsection (f) as subsection (e);

(2) in subsection (e), as so redesignated, in the subsection heading, by inserting “IN UNRESTRICTED REPORTING CASES” after “PROCEEDINGS”; and

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

“(f) **RETURN OF PERSONAL PROPERTY IN RESTRICTED REPORTING CASES.**—(1) The Secretary of Defense shall prescribe procedures under which a victim who files a restricted report on an incident of sexual assault may request, at any time, the return of any personal property of the victim obtained as part of the sexual assault forensic examination.

“(2) The procedures shall ensure that—

“(A) a request of a victim under paragraph (1) may be made on a confidential basis and without affecting the restricted nature of the restricted report; and

“(B) at the time of the filing of the restricted report, a Sexual Assault Response Coordinator or Sexual Assault Prevention and Response Victim Advocate—

“(i) informs the victim that the victim may request the return of personal property as described in paragraph (1); and

“(ii) advises the victim that such a request for the return of personal property may negatively impact a subsequent case adjudication, if the victim later decides to convert the restricted report to an unrestricted report.

“(3) Except with respect to personal property returned to a victim under this subsection, nothing in this subsection shall affect the requirement to retain a sexual assault forensic examination (SAFE) kit for the period specified in subsection (c)(4)(A).”.

**SEC. 533. EXTENSION OF DEFENSE ADVISORY COMMITTEE ON INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.**

Section 546(f)(1) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1561 note) is amended by striking “five” and inserting “ten”.

**SEC. 534. DEFENSE ADVISORY COMMITTEE FOR THE PREVENTION OF SEXUAL MISCONDUCT.**

(a) **ESTABLISHMENT REQUIRED.**—

(1) **IN GENERAL.**—The Secretary of Defense shall establish and maintain within the Department of Defense an advisory committee to be known as the “Defense Advisory Committee for the Prevention of Sexual Misconduct” (in this section referred to as the “Advisory Committee”).

(2) **DEADLINE FOR ESTABLISHMENT.**—The Secretary shall establish the Advisory Committee not later than 180 days after the date of the enactment of this Act.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Advisory Committee shall consist of not more than 20 members, appointed by the Secretary from among individuals who have an expertise appropriate for the work of the Advisory Committee, including at least one individual with each expertise as follows:

(A) Expertise in the prevention of sexual assault and behaviors on the sexual assault continuum of harm.

(B) Expertise in the prevention of suicide.

(C) Expertise in the change of culture of large organizations.

(D) Expertise in implementation science.

(2) **BACKGROUND OF INDIVIDUALS.**—Individuals appointed to the Advisory Committee may include individuals with expertise in sexual assault prevention efforts of institutions of higher education, public health officials, and such other individuals as the Secretary considers appropriate.

(3) **PROHIBITION ON MEMBERSHIP OF MEMBERS OF ARMED FORCES ON ACTIVE DUTY.**—A member of the Armed Forces serving on active duty may not serve as a member of the Advisory Committee.

(c) **DUTIES.**—

(1) **IN GENERAL.**—The Advisory Committee shall advise the Secretary on the following:

(A) The prevention of sexual assault (including rape, forcible sodomy, other sexual assault, and other sexual misconduct (including behaviors on the sexual assault continuum of harm)) involving members of the Armed Forces.

(B) The policies, programs, and practices of each military department, each Armed Force, and each military service academy for the prevention of sexual assault as described in subparagraph (A).

(2) **BASIS FOR PROVISION OF ADVICE.**—For purposes of providing advice to the Secretary pursuant to this subsection, the Advisory Committee shall review, on an ongoing basis, the following:

(A) Cases involving allegations of sexual assault described in paragraph (1).

(B) Efforts of institutions of higher education to prevent sexual assault among students.

(C) Any other information or matters that the Advisory Committee or the Secretary considers appropriate.

(3) **COORDINATION OF EFFORTS.**—In addition to the reviews required by paragraph (2), for purposes of providing advice to the Secretary the Advisory Committee shall also consult and coordinate with the Defense Advisory Committee on Investigation, Prosecution, and Defense of Sexual Assault in the Armed Forces (DAC-IPAD) on matters of joint interest to the two Advisory Committees.

(d) **ANNUAL REPORT.**—Not later than March 30 each year, the Advisory Committee shall submit to the Secretary and the Committees on Armed Services of the Senate and the House of Representatives a report on the activities of the Advisory Committee pursuant to this section during the preceding year.

(e) **SEXUAL ASSAULT CONTINUUM OF HARM.**—In this section, the term “sexual assault continuum of harm” includes—

(1) inappropriate actions (such as sexist jokes), sexual harassment, gender discrimination, hazing, cyber bullying, or other behavior that contributes to a culture that is tolerant of, or increases risk for, sexual assault; and

(2) maltreatment or ostracism of a victim for a report of sexual misconduct.

**SEC. 535. INDEPENDENT REVIEWS AND ASSESSMENTS ON RACE AND ETHNICITY IN THE INVESTIGATION, PROSECUTION, AND DEFENSE OF SEXUAL ASSAULT IN THE ARMED FORCES.**

(a) **REVIEWS AND ASSESSMENTS BY DAC-IPAD.**—The independent committee established by the Secretary of Defense under section 546 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3374), commonly known as the “DAC-IPAD”, shall conduct each of the following:

(1) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces accused of a penetrative sexual assault offense or contact sexual assault offense in an unrestricted report made pursuant to Department of Defense Instruction 6495.02, including an unrestricted report involving a spouse or intimate partner, in all cases completed in each fiscal year assessed.

(2) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces against whom charges were preferred pursuant to Rule for Courts-Martial 307 for a penetrative sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed.

(3) A review and assessment, by fiscal year, of the race and ethnicity of members of the Armed Forces who were convicted of a penetrative sexual assault offense or contact sexual assault offense in all cases completed in each fiscal year assessed.

(b) **INFORMATION FROM FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Upon request by the chair of the committee, a department or agency of the Federal Government shall provide information that the committees considers necessary to conduct reviews and assessments required by subsection (a), including military criminal investigation files, charge sheets, records of trial, and personnel records.

(2) **HANDLING, STORAGE, AND RETURN.**—The committee shall handle and store all records received and reviewed under this section in accordance with applicable privacy laws and Department of Defense policy, and shall return all records so received in a timely manner.

(c) **REPORT.**—Not later than one year after the date of the enactment of this Act, the committee shall submit to the Secretary of Defense, and to the Committees on Armed

Services of the Senate and the House of Representatives, a report setting forth the results of the reviews and assessments required by subsection (a). The report shall include such recommendations for legislative or administrative action as the committee considers appropriate in light of such results.

(d) **DEFINITIONS.**—In this section:

(1) The term “case” means an unrestricted report of any penetrative sexual assault offense or contact sexual assault offense made against a member of the Armed Forces pursuant to Department of Defense Instruction 6495.02, including any unrestricted report involving a spouses or intimate partner for which an investigation has been opened by a criminal investigative organization.

(2) The term “completed”, with respect to a case, means that the case was tried to verdict, dismissed without further action, or dismissed and then resolved by non-judicial or administrative proceedings.

(3) The term “contact sexual assault offense” means aggravated sexual contact, abusive sexual contact, wrongful sexual contact, and attempts to commit such offenses under the Uniform Code of Military Justice.

(4) The term “penetrative sexual assault offense” means rape, aggravated sexual assault, sexual assault, forcible sodomy, and attempts to commit such offenses under the Uniform Code of Military Justice.

**SEC. 536. REPORT ON MECHANISMS TO ENHANCE THE INTEGRATION AND SYNCHRONIZATION OF ACTIVITIES OF SPECIAL VICTIM INVESTIGATION AND PROSECUTION PERSONNEL WITH ACTIVITIES OF MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.**

Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth proposals for various mechanisms to enhance the integration and synchronization of activities of Special Victim Investigation and Prosecution (SVIP) personnel with activities of military criminal investigative organizations (MCIOs) in investigations in which both such personnel are or may be involved. If the proposed mechanisms require legislative or administrative action for implementation, the report shall set forth such recommendations for such action as the Secretary of Defense considers appropriate.

**SEC. 537. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON IMPLEMENTATION BY THE ARMED FORCES OF RECENT STATUTORY REQUIREMENTS ON SEXUAL ASSAULT PREVENTION AND RESPONSE IN THE MILITARY.**

(a) **REPORT REQUIRED.**—The Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report, in writing, on a study, conducted by the Comptroller General for purposes of the report, on the implementation by the Armed Forces of statutory requirements on sexual assault prevention and response in the military in the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108-136) and each succeeding national defense authorization Act through the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A list and citation of each statutory requirement (whether codified or uncoded) on sexual assault prevention and response in the military in each national defense authorization Act specified in paragraph (1), including—

(A) whether such statutory requirement is still in force; and

(B) if such statutory requirement is no longer in force, the date of the repeal or expiration of such requirement.

(2) For each statutory requirement listed pursuant to paragraph (1), the following:

(A) An assessment of the extent to which such requirement was implemented, or is currently being implemented, as applicable, by each Armed Force to which such requirement applied or applies.

(B) A description and assessment of the actions taken by each of the Department of Defense, the military department concerned, and the Armed Force concerned to assess and determine the effectiveness of actions taken pursuant to such requirement in meeting its intended objective.

(3) Any other matters in connection with the statutory requirements specified in subsection (a), and the implementation of such requirements by the Armed Forces, that the Comptroller General considers appropriate.

(c) **BRIEFINGS.**—Not later than May 1, 2020, the Comptroller General shall provide to the committees referred to in subsection (a) one or more briefings on the status of the study required by subsection (a), including any preliminary findings and recommendations of the Comptroller General as a result of the study as of the date of such briefing.

**PART II—SPECIAL VICTIMS' COUNSEL MATTERS**

**SEC. 541. LEGAL ASSISTANCE BY SPECIAL VICTIMS' COUNSEL FOR VICTIMS OF ALLEGED DOMESTIC VIOLENCE OFFENSES.**

(a) **CONDITIONAL EXPANSION OF ELIGIBILITY TO VICTIMS OF ALLEGED DOMESTIC VIOLENCE OFFENSES.**—Subsection (a) of section 1044e of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Legal counsel designated as described in paragraph (1) may also provide legal assistance to any individual described in paragraph (2)(B) or (2)(C) who is the victim of an alleged domestic violence offense, and to any civilian individual not otherwise covered by paragraph (2)(C) who is the victim of an alleged sex-related offense or alleged domestic violence offense, if the Secretary of the military department concerned determines (on a case-by-case basis) that resources are available for the provision of such assistance to such individual without impairing the capacity to provide assistance under paragraph (1) to victims of alleged sex-related offenses described in paragraph (2).”.

(b) **DEFINITIONS.**—Subsection (g) of such section is amended to read as follows:

“(g) **DEFINITIONS.**—In this section:

“(1) The term ‘alleged covered offense’ means any of the following:

“(A) An alleged sex-related offense.

“(B) An alleged domestic violence offense.

“(2) The term ‘alleged sex-related offense’ means any allegation of—

“(A) a violation of section 920, 920b, 920c, or 930 of this title (article 120, 120b, 120c, or 130 of the Uniform Code of Military Justice); or

“(B) an attempt to commit an offense specified in a subparagraph (A) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).

“(3) The term ‘alleged domestic violence offense’ means any allegation of—

“(A) a violation of section 928, 928b(1), 928b(5), or 930 of this title (article 128, 128b(1), 128b(5), or 130 of the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member;

“(B) a violation of any other provision of subchapter X of chapter 47 of this title (the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member, as speci-

fied by the Secretary concerned for purposes of eligibility for legal consultation and assistance by Special Victims' Counsel under the jurisdiction of such Secretary under this section; or

“(C) an attempt to commit an offense specified in a subparagraph (A) or (B) as punishable under section 880 of this title (article 80 of the Uniform Code of Military Justice).”.

(c) **CONFORMING AMENDMENTS.**—Such section is further amended—

(1) in subsections (b) and (f), by striking “alleged sex-related offense” each place it appears (other than subsection (f)(1)) and inserting “alleged covered offense concerned”; and

(2) in subsection (f)—

(A) by striking “subsection (a)(2)” each place it appears and inserting “paragraph (2) or (3) of subsection (a)”; and

(B) in paragraph (1), by striking “an alleged sex-related offense” and inserting “an alleged covered offense”.

(d) **CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§ 1044e. Special Victims' Counsel: victims of sex-related offenses; victims of domestic violence offenses”.**

(2) **TABLE OF SECTIONS.**—the table of sections at the beginning of chapter 53 of such title is amended by striking the item relating to section 1044e and inserting the following new item:

“1044e. Special Victims' Counsel: victims of sex-related offenses; victims of domestic violence offenses.”.

**SEC. 542. OTHER SPECIAL VICTIMS' COUNSEL MATTERS.**

(a) **ENHANCEMENT OF LEGAL CONSULTATION AND ASSISTANCE IN CONNECTION WITH POTENTIAL VICTIM BENEFITS.**—Paragraph (8)(D) of subsection (b) of section 1044e of title 10, United States Code, is amended by striking “and other” and inserting “, section 1408(h) of this title, and other”.

(b) **EXPANSION OF LEGAL ASSISTANCE AUTHORIZED TO INCLUDE CONSULTATION AND ASSISTANCE FOR RETALIATION.**—Subsection (b) of such section is amended further—

(1) by redesignating paragraph (10) as paragraph (11); and

(2) by inserting after paragraph (9) the following new paragraph (10):

“(10) Legal consultation and assistance in connection with an incident of retaliation, whether such incident occurs before, during, or after the conclusion of any criminal proceedings, including—

“(A) in understanding the rights and protections afforded to victims of retaliation;

“(B) in the filing of complaints; and

“(C) in any resulting military justice proceedings.”.

(c) **CODIFICATION OF DUTY TO DETERMINE VICTIM'S PREFERENCE FOR PROSECUTION OF ALLEGED SEX-RELATED OFFENSE BY COURT-MARTIAL OR CIVILIAN COURT.**—

(1) **IN GENERAL.**—Such section is further amended—

(A) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(B) by inserting after subsection (c) the following new subsection (d):

“(d) **DUTY TO DETERMINE VICTIM'S PREFERENCE FOR PROSECUTION OF AN ALLEGED SEX-RELATED OFFENSE BY COURT-MARTIAL OR CIVILIAN COURT.**—(1) In providing legal consultation and representation to a victim under this section in connection with an alleged sex-related offense that occurs in the United States, a Special Victims' Counsel shall have the duty—

“(A) to solicit the victim's preference regarding whether the offense should be prosecuted by court-martial or in a civilian court with jurisdiction over the offense; and

“(B) to make the victim’s preference, if offered, known to appropriate military prosecutors.

“(2) Any consultation by a Special Victims’ Counsel pursuant to paragraph (1) shall occur in accordance with the process for such consultation established pursuant to section 534(b) of the Carl Levin and Howard P. ‘Buck’ McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 1044e note) or such other process as the Secretary of Defense shall establish for that purpose.”.

(2) CONFORMING AMENDMENT.—Paragraph (11) of subsection (b) of such section, as redesignated by subsection (b)(1) of this section, is amended by striking “subsection (h)” and inserting “subsection (i)”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 180 days after the date of the enactment of this Act.

(e) REPORT ON EXPANSION OF ELIGIBILITY FOR SVC SERVICES FOR VICTIMS OF ALLEGED DOMESTIC VIOLENCE OFFENSES AND RELATED MATTERS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth a description and assessment of the manner in which the Department of Defense would implement amendments to section 1044e of title 10, United States Code, that would provide for the following:

(A) An expansion of eligibility for Special Victims’ Counsel services for victims of alleged domestic violence offenses.

(B) An expansion of eligibility for Special Victim’s Counsel services to any civilians who are the victim of an alleged sex-related offense or an alleged domestic violence offense, in cases in which the Secretary concerned waives the condition in section 1044(a)(7) of title 10, United States Code, for purposes of such eligibility.

(2) ELEMENTS.—The report required by paragraph (1) shall include a comprehensive description of the additional personnel (including the specific number of additional billets), resources, and training required to implement the amendments described in that paragraph such that such amendments are fully implemented by not later than September 30, 2025.

(3) DEFINITIONS.—In this subsection:

(A) The term “alleged sex-related offense” has the meaning given that term in section 1044e(g) of title 10, United States Code.

(B) The term “alleged domestic violence offense” means any allegation of—

(i) a violation of section 928(b), 928b(1), 928b(5), or 930 of title 10, United States Code (article 128(b), 128b(1), 128b(5), or 130 of the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member;

(ii) a violation of any other provision of subchapter X of chapter 47 of such title (the Uniform Code of Military Justice), when committed against a spouse, intimate partner, or immediate family member, if specified by any Secretary concerned for purposes of eligibility for legal consultation and assistance by Special Victims’ Counsel under the amendments described in paragraph (1); and

(iii) an attempt to commit an offense specified in clause (i) or (ii) as punishable under section 880 of such title (article 80 of the Uniform Code of Military Justice).

(C) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

#### SEC. 543. AVAILABILITY OF SPECIAL VICTIMS’ COUNSEL AT MILITARY INSTALLATIONS.

(a) DEADLINE FOR AVAILABILITY.—If a Special Victims’ Counsel is not available at a military installation for access by a member of the Armed Forces who requests access to such a Counsel, such a Counsel shall be made available at such installation for access by such member by not later than 72 hours after such request.

(b) REPORT ON CIVILIAN SUPPORT OF SVCs.—Not later than 180 days after the date of the enactment of this Act, each Secretary of a military department shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the assessment of such Secretary of the feasibility and advisability of establishing and maintaining for each Special Victims’ Counsel under the jurisdiction of such Secretary one or more civilian positions for the purpose of—

(1) providing support to such Special Victims’ Counsel; and

(2) ensuring continuity and the preservation of institutional knowledge in transitions between the service of individuals as such Special Victims’ Counsel.

#### SEC. 544. TRAINING FOR SPECIAL VICTIMS’ COUNSEL ON CIVILIAN CRIMINAL JUSTICE MATTERS IN THE STATES OF THE MILITARY INSTALLATIONS TO WHICH ASSIGNED.

(a) TRAINING.—Upon the assignment of a Special Victims’ Counsel (including a Victim Legal Counsel of the Navy) to a military installation in the United States, such Counsel shall be provided appropriate training on the law and policies of the State or States in which such military installation is located with respect to the criminal justice matters specified in subsection (b).

(b) CRIMINAL JUSTICE MATTERS.—The criminal justice matters specified in this subsection, with respect to a State, are the following:

- (1) Victim rights.
- (2) Protective orders.
- (3) Prosecution of criminal offenses.
- (4) Sentencing for conviction of criminal offenses.

#### PART III—BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS

##### SEC. 546. REPEAL OF 15-YEAR STATUTE OF LIMITATIONS ON MOTIONS OR REQUESTS FOR REVIEW OF DISCHARGE OR DISMISSAL FROM THE ARMED FORCES.

(a) REPEAL.—Section 1553(a) of title 10, United States Code, is amended by striking the second sentence.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on October 1, 2020.

##### SEC. 547. REDUCTION IN REQUIRED NUMBER OF MEMBERS OF DISCHARGE REVIEW BOARDS.

Section 1553(a) of title 10, United States Code, is amended by striking “five” and inserting “not fewer than three”.

##### SEC. 548. ENHANCEMENT OF PERSONNEL ON BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS.

(a) BOARDS FOR THE CORRECTION OF MILITARY RECORDS.—Section 1552 of title 10, United States Code, is amended—

(1) in subsection (g), by inserting “, or a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma,” after “psychiatrist”; and

(2) in subsection (h)(2)(A), by inserting “(including a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma)” after “a civilian health care provider”.

(b) DISCHARGE REVIEW BOARDS.—Section 1553 of such title is amended—

(1) in subsection (d)(1), by inserting “, or a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma,” after “psychiatrist” both places it appears; and

(2) in subsection (e), by inserting “a social worker with training on mental health issues connected with post-traumatic stress disorder or traumatic brain injury or other trauma,” after “or psychiatrist”.

##### SEC. 549. INCLUSION OF INTIMATE PARTNER VIOLENCE AND SPOUSAL ABUSE AMONG SUPPORTING RATIONALES FOR CERTAIN CLAIMS FOR CORRECTIONS OF MILITARY RECORDS AND DISCHARGE REVIEW.

(a) CORRECTION OF MILITARY RECORDS.—Section 1552(h)(1) of title 10, United States Code, is amended by striking “or military sexual trauma” and inserting “, sexual trauma, intimate partner violence, or spousal abuse”.

(b) DISCHARGE REVIEW.—Section 1553(d)(3)(B) of such title is amended by striking “or military sexual trauma” and inserting “, sexual trauma, intimate partner violence, or spousal abuse”.

##### SEC. 550. ADVICE AND COUNSEL OF TRAUMA EXPERTS IN REVIEW BY BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS OF CERTAIN CLAIMS.

(a) BOARDS FOR CORRECTION OF MILITARY RECORDS.—Section 1552(g) of title 10, United States Code, is amended—

(1) by inserting “(1)” after “(g)”; and

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

“(2) If a board established under subsection (a)(1) is reviewing a claim described in subsection (h), the board shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

“(3) If a board established under subsection (a)(1) is reviewing a claim in which sexual trauma, intimate partner violence, or spousal abuse is claimed, the board shall seek advice and counsel in the review from an expert in trauma specific to sexual assault, intimate partner violence, or spousal abuse, as applicable.”.

(b) DISCHARGE REVIEW BOARDS.—Section 1553(d)(1) of such title is amended—

(1) by inserting “(A)” after “(1)”; and

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

“(B) In the case of a former member described in paragraph (3)(B) who claims that the former member’s post-traumatic stress disorder or traumatic brain injury as described in that paragraph is based in whole or in part on sexual trauma, intimate partner violence, or spousal abuse, a board established under this section to review the former member’s discharge or dismissal shall seek advice and counsel in the review from a psychiatrist, psychologist, or social worker with training on mental health issues associated with post-traumatic stress disorder or traumatic brain injury or other trauma as specified in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.”.



**SEC. 551. TRAINING OF MEMBERS OF BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS ON SEXUAL TRAUMA, INTIMATE PARTNER VIOLENCE, SPOUSAL ABUSE, AND RELATED MATTERS.**

(a) **BOARDS FOR CORRECTION OF MILITARY RECORDS.**—The curriculum of training for members of boards for the correction of military records under section 534(c) of the National Defense Authorization Act for Fiscal Year 2017 (10 U.S.C. 1552 note) shall include training on each of the following:

- (1) Sexual trauma.
- (2) Intimate partner violence.
- (3) Spousal abuse.
- (4) The various responses of individuals to trauma.

(b) **DISCHARGE REVIEW BOARDS.**—

(1) **IN GENERAL.**—Each Secretary concerned shall develop and provide training for members of discharge review boards under section 1553 of title 10, United States Code, that are under the jurisdiction of such Secretary on each of the following:

- (A) Sexual trauma.
- (B) Intimate partner violence.
- (C) Spousal abuse.
- (D) The various responses of individuals to trauma.

(2) **UNIFORMITY OF TRAINING.**—The Secretary of Defense and the Secretary of Homeland Security shall jointly ensure that the training developed and provided pursuant to this subsection is, to the extent practicable, uniform.

(3) **SECRETARY CONCERNED DEFINED.**—In this subsection, the term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

**SEC. 552. LIMITATIONS AND REQUIREMENTS IN CONNECTION WITH SEPARATIONS FOR MEMBERS OF THE ARMED FORCES WHO SUFFER FROM MENTAL HEALTH CONDITIONS IN CONNECTION WITH A SEX-RELATED, INTIMATE PARTNER VIOLENCE-RELATED, OR SPOUSAL-ABUSE OFFENSE.**

(a) **CONFIRMATION OF DIAGNOSIS OF CONDITION REQUIRED BEFORE SEPARATION.**—Before a member of the Armed Forces who was the victim of a sex-related offense, an intimate partner violence-related offense, or a spousal-abuse offense during service in the Armed Forces (whether or not such offense was committed by another member of the Armed Forces), and who has a mental health condition not amounting to a physical disability, is separated, discharged, or released from the Armed Forces based solely on such condition, the diagnosis of such condition must be—

(1) corroborated by a competent mental health care professional at the peer level or a higher level of the health care professional making the diagnosis; and

(2) endorsed by the Surgeon General of the military department concerned.

(b) **NARRATIVE REASON FOR SEPARATION IF MENTAL HEALTH CONDITION PRESENT.**—If the narrative reason for discharge, separation, or release from the Armed Forces of a member of the Armed Forces is a mental health condition that is not a disability, the appropriate narrative reason for the discharge, separation, or release shall be condition, not a disability, or Secretarial authority.

(c) **DEFINITION.**—In this section:

(1) The term “intimate partner violence-related offense” means the following:

(A) An offense under section 928 or 930 of title 10, United States Code (article 128 or 130 of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(2) The term “sex-related offense” means the following:

(A) An offense under section 920 or 920b of title 10, United States Code (article 120 or 120b of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(3) The term “spousal-abuse offense” means the following:

(A) An offense under section 928 of title 10, United States Code (article 128 of the Uniform Code of Military Justice).

(B) An offense under State law for conduct identical or substantially similar to an offense described in subparagraph (A).

(d) **EFFECTIVE DATE.**—This section shall take effect 180 days after the date of the enactment of this Act, and shall apply with respect to separations, discharges, and releases from the Armed Forces that occur on or after that effective date.

**SEC. 553. LIBERAL CONSIDERATION OF EVIDENCE IN CERTAIN CLAIMS BY BOARDS FOR THE CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARDS.**

(a) **BOARDS FOR THE CORRECTION OF MILITARY RECORDS.**—

(1) **IN GENERAL.**—Section 1552(h) of title 10, United States Code, is amended—

(A) by striking paragraph (1);

(B) by striking “(2) In the case of a claimant described in paragraph (1), a board” and inserting “A board”;

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2), respectively;

(D) in paragraph (1), as redesignated by subparagraph (C), by inserting “all evidence presented by the claimant, including lay evidence and information and” after “review”; and

(E) by striking paragraph (2), as so redesignated, and inserting the following new paragraph (2):

“(2) if a claim alleges error or injustice in the claimant’s discharge or dismissal, or the characterization of such discharge or dismissal, review such claim with liberal consideration of all evidence and information submitted by, or pertaining to, the claimant.”

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to claims submitted to boards for the correction of military records under section 1552 of title 10, United States Code, on or after that date.

(b) **DISCHARGE REVIEW BOARDS.**—

(1) **IN GENERAL.**—Section 1553 of title 10, United States Code, is amended—

(A) in subsection (c)—

(i) by inserting “(1)” after “(c)”; and

(ii) by adding at the end the following new paragraph:

“(2) A board established under this section shall—

“(A) review all evidence and information provided by the former member, including lay evidence and information and medical evidence of the Secretary of Veterans Affairs or a civilian health care provider that is provided by the former member; and

“(B) review the claim with liberal consideration of all evidence and information submitted by, or pertaining to, the former member.”; and

(B) in subsection (d), by striking paragraph (3).

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to motions or requests for review submitted to discharge review boards under section 1553 of title 10, United States Code, on or after that date.

**PART IV—OTHER MILITARY JUSTICE MATTERS**

**SEC. 555. EXPANSION OF PRE-REFERRAL MATTERS REVIEWABLE BY MILITARY JUDGES AND MILITARY MAGISTRATES IN THE INTEREST OF EFFICIENCY IN MILITARY JUSTICE.**

(a) **IN GENERAL.**—Subsection (a) of section 830a of title 10, United States Code (article 30a of the Uniform Code of Military Justice), is amended by striking paragraphs (1) and (2) and inserting the following new paragraphs:

“(1) The President shall prescribe regulations for matters relating to proceedings conducted before referral of charges and specifications to court-martial for trial, including the following:

“(A) Pre-referral investigative subpoenas.

“(B) Pre-referral warrants or orders for electronic communications.

“(C) Pre-referral matters referred by an appellate court.

“(D) Pre-referral matters under subsection (c) or (e) of section 806b of this title (article 6b).

“(E) Pre-referral matters relating to the following:

“(i) Pre-trial confinement of an accused.

“(ii) The mental capacity or responsibility of an accused.

“(iii) A request for an individual military counsel.

“(2) In addition to the matters specified in paragraph (1), the regulations prescribed under that paragraph shall—

“(A) set forth the matters that a military judge may rule upon in such proceedings;

“(B) include procedures for the review of such rulings;

“(C) include appropriate limitations to ensure that proceedings under this section extend only to matters that would be subject to consideration by a military judge in a general or special court-martial;

“(D) provide such limitations on the relief that may be ordered under this section as the President considers appropriate; and

“(E) provide for treatment of such other pre-referral matters as the President may prescribe.”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§ 830a. Art 30a. Proceedings conducted before referral”.**

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of subchapter VI of chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), is amended by striking the item relating to section 830a (article 30a) and inserting the following new item:

“830a. 30a. Proceedings conducted before referral.”.

**SEC. 556. POLICIES AND PROCEDURES ON REGISTRATION AT MILITARY INSTALLATIONS OF CIVILIAN PROTECTIVE ORDERS APPLICABLE TO MEMBERS OF THE ARMED FORCES ASSIGNED TO SUCH INSTALLATIONS AND CERTAIN OTHER INDIVIDUALS.**

(a) **POLICIES AND PROCEDURES REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, establish policies and procedures for the registration at military installations of any civilian protective orders described in subsection (b), including the duties and responsibilities of commanders of installations in the registration process.

(b) **CIVILIAN PROTECTIVE ORDERS.**—A civilian protective order described in this subsection is any civilian protective order as follows:

(1) A civilian protective order against a member of the Armed Forces assigned to the installation concerned.

(2) A civilian protective order against a civilian employee employed at the installation concerned.

(3) A civilian protective order against the civilian spouse or intimate partner of a member of the Armed Forces on active duty and assigned to the installation concerned, or of a civilian employee described in paragraph (2), which order provides for the protection of such member or employee.

(c) PARTICULAR ELEMENTS.—The policies and procedures required by subsection (a) shall include the following:

(1) A requirement for notice between and among the commander, military law enforcement elements, and military criminal investigative elements of an installation when a member of the Armed Forces assigned to such installation, a civilian employee employed at such installation, a civilian spouse or intimate partner of a member assigned to such installation, or a civilian spouse or intimate partner of a civilian employee employed at such installation becomes subject to a civilian protective order.

(2) A statement of policy that failure to register a civilian protective order may not be a justification for the lack of enforcement of such order by military law enforcement and other applicable personnel who have knowledge of such order.

(d) LETTER.—As soon as practicable after establishing the policies and procedures required by subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a letter that includes the following:

(1) A detailed description of the policies and procedures.

(2) A certification by the Secretary that the policies and procedures have been implemented on each military installation.

#### **SEC. 557. INCREASE IN NUMBER OF DIGITAL FORENSIC EXAMINERS FOR THE MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.**

(a) IN GENERAL.—Each Secretary of a military department shall take appropriate actions to increase the number of digital forensic examiners in each military criminal investigative organization (MCIO) under the jurisdiction of such Secretary by not fewer than 10 from the authorized number of such examiners for such organization as of September 30, 2019.

(b) MILITARY CRIMINAL INVESTIGATIVE ORGANIZATIONS.—For purposes of this section, the military criminal investigative organizations are the following:

(1) The Army Criminal Investigation Command.

(2) The Naval Criminal Investigative Service.

(3) The Air Force Office of Special Investigations.

(4) The Marine Corps Criminal Investigation Division.

(c) FUNDING.—Funds for additional digital forensic examiners as required by subsection (a) for fiscal year 2020, including for compensation, initial training, and equipment, shall be derived from amounts authorized to be appropriated for that fiscal year for the Armed Force concerned for operation and maintenance.

#### **SEC. 558. SURVEY OF MEMBERS OF THE ARMED FORCES ON THEIR EXPERIENCES WITH MILITARY INVESTIGATIONS AND MILITARY JUSTICE.**

(a) IN GENERAL.—Chapter 23 of title 10, United States Code, is amended by inserting after section 481a the following new section:

#### **“§ 481b. Military investigation and justice experiences: survey of members of the armed forces**

“(a) SURVEYS REQUIRED.—(1) The Secretary of Defense shall conduct from time to time a survey on the experiences of members of the armed forces with military investigations and military justice in accordance with this section and guidance issued by the Secretary for purposes of this section.

“(2) The survey under this section shall be known as the ‘Military Investigation and Justice Experience Survey’.

“(b) MATTERS COVERED BY SURVEY.—The guidance issued by the Secretary under this section on the survey shall include specification of the following:

“(1) The individuals to be surveyed, including any member of the armed forces serving on active duty who is a victim of an alleged sex-related offense and who made an unrestricted report of that offense.

“(2) The matters to be covered in the survey, including—

“(A) the experience of the individuals surveyed with the military criminal investigative organization that investigated the alleged offense, and with the Special Victims’ Counsel in the case of a member who was the victim of an alleged sex-related offense; and

“(B) if the individual’s report resulted in a charge or charges that were referred to a court-martial, the experience of the individual with the prosecutor and the court-martial in general.

“(3) The timing of the administration of the survey, including when the investigation or case is closed or otherwise complete.

“(c) FREQUENCY OF SURVEY.—The survey required by this section shall be conducted at least once every four years, but not more frequently than once every two years.

“(d) DEFINITIONS.—In this section:

“(1) ALLEGED SEX-RELATED OFFENSE.—The term ‘alleged sex-related offense’ has the meaning provided in section 1044e(g) of this title.

“(2) UNRESTRICTED REPORT.—The term ‘unrestricted report’ means a report that is not a restricted report.

“(3) RESTRICTED REPORT.—The term ‘restricted report’ means a report concerning a sexual assault that is treated as a restricted report under section 1565b(b) of this title.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 23 of such title is amended by inserting after the item relating to section 481a the following new item:

“481b. Military investigation and justice experiences: survey of members of the armed forces.”.

#### **SEC. 559. PUBLIC ACCESS TO DOCKETS, FILINGS, AND COURT RECORDS OF COURTS-MARTIAL OR OTHER RECORDS OF TRIAL OF THE MILITARY JUSTICE SYSTEM.**

(a) IN GENERAL.—Section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), is amended—

(1) by striking “The Secretary of Defense” and inserting “(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Homeland Security;”;

(2) in subsection (a), as designated by paragraph (1)—

(A) in the matter preceding paragraph (1), by inserting “(including with respect to the Coast Guard)” after “military justice system”; and

(B) in paragraph (4), by inserting “public” before “access to docket information”; and

(3) by adding at the end the following new subsections:

“(b) INAPPLICABILITY OF PRIVACY ACT.—Section 552a of title 5 shall not apply to records of trial produced or distributed with-

in the military justice system or docket information, filings, and records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a).

“(c) PROTECTION OF CERTAIN PERSONALLY IDENTIFIABLE INFORMATION.—Records of trial, docket information, filings, and other records made publicly accessible in accordance with the uniform standards and criteria for conduct established by the Secretary under subsection (a) shall restrict access to personally identifiable information of minors and victims of crime (including victims of sexual assault and domestic violence), as practicable to the extent such information is restricted in electronic filing systems of Federal and State courts.

“(d) INAPPLICABILITY TO CERTAIN DOCKETS AND RECORDS.—Nothing in this section shall be construed to provide public access to docket information, filings, or records that are classified, subject to a judicial protective order, or ordered sealed.”.

(b) EXISTING STANDARDS AND CRITERIA.—The Secretary of Homeland Security shall apply to the Coast Guard the standards and criteria for conduct established by the Secretary of Defense under section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), as in effect on the day before the date of the enactment of this Act, until such time as the Secretary of Defense, in consultation with the Secretary of Homeland Security, prescribes revised standards and criteria for conduct under such section that implement the amendments made by subsection (a) of this section.

#### **SEC. 560. PILOT PROGRAMS ON DEFENSE INVESTIGATORS IN THE MILITARY JUSTICE SYSTEM.**

(a) IN GENERAL.—Each Secretary of a military department shall carry out a pilot program on defense investigators within the military justice system under the jurisdiction of such Secretary in order to do the following:

(1) Determine whether the presence of defense investigators within such military justice system will—

(A) make such military justice system more effective in determining the truth; and

(B) make such military justice system more fair and efficient.

(2) Otherwise assess the feasibility and advisability of defense investigators as an element of such military justice system.

(b) ELEMENTS.—

(1) MODEL OF SIMILAR CIVILIAN CRIMINAL JUSTICE SYSTEMS.—Defense investigators under each pilot program under subsection (a) shall consist of personnel, and participate in the military justice system concerned, in a manner similar to that of defense investigators in civilian criminal justice systems that are similar to the military justice systems of the military departments.

(2) INTERVIEW OF VICTIM.—A defense investigator may question a victim under a pilot program only upon a request made through the Special Victims’ Counsel or other counsel of the victim, or trial counsel if the victim does not have such counsel.

(3) UNIFORMITY ACROSS MILITARY JUSTICE SYSTEMS.—The Secretary of Defense shall ensure that the personnel and activities of defense investigators under the pilot programs are, to the extent practicable, uniform across the military justice systems of the military departments.

(c) REPORT.—

(1) IN GENERAL.—Not later than three years after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House

of Representatives a report on the pilot programs under subsection (a).

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) A description of each pilot program, including the personnel and activities of defense investigators under such pilot program.

(B) An assessment of the feasibility and advisability of establishing and maintaining defense investigators as an element of the military justice systems of the military departments.

(C) If the assessment under subparagraph (B) is that the establishment and maintenance of defense investigators as an element of the military justice systems of the military departments is feasible and advisable, such recommendations for legislative and administrative action as the Secretary of Defense considers appropriate to establish and maintain defense investigators as an element of the military justice systems.

(D) Any other matters the Secretary of Defense considers appropriate.

**SEC. 561. REPORT ON MILITARY JUSTICE SYSTEM INVOLVING ALTERNATIVE AUTHORITY FOR DETERMINING WHETHER TO PREFER OR REFER CHARGES FOR FELONY OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 300 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the results of a study, conducted for purposes of the report, on the feasibility and advisability of an alternative military justice system in which determinations as to whether to prefer or refer charges for trial by court-martial for any offense specified in paragraph (2) is made by a judge advocate in grade O-6 or higher who has significant experience in criminal litigation and is outside of the chain of command of the member subject to the charges rather than by a commanding officer of the member who is in the chain of command of the member.

(2) **SPECIFIED OFFENSE.**—An offense specified in this paragraph is any offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), for which the maximum punishment authorized includes confinement for more than one year.

(b) **ELEMENTS.**—The study required for purposes of the report under subsection (a) shall address the following:

(1) Relevant procedural, legal, and policy implications and considerations of the alternative military justice system described in subsection (a).

(2) An analysis of the following in connection with the implementation and maintenance of the alternative military justice system:

(A) Legal personnel requirements.

(B) Changes in force structure.

(C) Amendments to law.

(D) Impacts on the timeliness and efficiency of legal processes and court-martial adjudications.

(E) Potential legal challenges to the system.

(F) Potential changes in prosecution and conviction rates.

(G) Potential impacts on the preservation of good order and discipline, including the ability of a commander to carry out non-judicial punishment and other administrative actions.

(H) Such other considerations as the Secretary considers appropriate.

(3) A comparative analysis of the military justice systems of relevant foreign allies

with the current military justice system of the United States and the alternative military justice system, including whether or not approaches of the military justice systems of such allies to determinations described in subsection (a) are appropriate for the military justice system of the United States.

(4) An assessment of the feasibility and advisability of conducting a pilot program to assess the feasibility and advisability of the alternative military justice system, and, if the pilot program is determined to be feasible and advisable—

(A) an analysis of potential legal issues in connection with the pilot program, including potential issues for appeals; and

(B) recommendations on the following:

(i) The populations to be subject to the pilot program.

(ii) The duration of the pilot program.

(iii) Metrics to measure the effectiveness of the pilot program.

(iv) The resources to be used to conduct the pilot program.

**SEC. 562. REPORT ON STANDARDIZATION AMONG THE MILITARY DEPARTMENTS IN COLLECTION AND PRESENTATION OF INFORMATION ON MATTERS WITHIN THE MILITARY JUSTICE SYSTEM.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in consultation with the Secretaries of the military departments, submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) A plan for actions to provide for standardization, to the extent practicable, among the military departments in the collection and presentation of information on matters within their military justice systems, including information collected and maintained for purposes of section 940a of title 10, United States Code (article 140a of the Uniform Code of Military Justice), and such other information as the Secretary considers appropriate.

(2) An assessment of the feasibility and advisability of establishing and maintaining a single, Department of Defense-wide data management system for the standardized collection and presentation of information described in paragraph (1).

**SEC. 563. REPORT ON ESTABLISHMENT OF GUARDIAN AD LITEM PROGRAM FOR CERTAIN MILITARY DEPENDENTS WHO ARE A VICTIM OR WITNESS OF OFFENSES UNDER THE UNIFORM CODE OF MILITARY JUSTICE INVOLVING ABUSE OR EXPLOITATION.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth an assessment of the feasibility and advisability of establishing a guardian ad litem program for military dependents described in paragraph (2) who are a victim or witness of an offense under chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), that involves an element of abuse or exploitation in order to protect the best interests of such dependents in a court-martial of such offense.

(2) **COVERED DEPENDENTS.**—The military dependents described in this paragraph are as follows:

(A) Military dependents under 12 years of age.

(B) Military dependents who lack mental or other capacity.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the feasibility and advisability of establishing a guardian ad litem program as described in subsection (a).

(2) If establishment of the guardian ad litem program is considered feasible and advisable, the following:

(A) A description of administrative requirements in connection with the program, including the following:

(i) Any memoranda of understanding between the Department of Defense and State and local authorities required for purposes of the program.

(ii) The personnel, funding, and other resources required for purposes of the program.

(B) Best practices for the program (as determined in consultation with appropriate civilian experts on child advocacy).

(C) Such recommendations for legislative and administration action to implement the program as the Secretary considers appropriate.

**Subtitle E—Member Education, Training, Transition, and Resilience**

**SEC. 566. CONSECUTIVE SERVICE OF SERVICE OBLIGATION IN CONNECTION WITH PAYMENT OF TUITION FOR OFF-DUTY TRAINING OR EDUCATION FOR COMMISSIONED OFFICERS OF THE ARMED FORCES WITH ANY OTHER SERVICE OBLIGATIONS.**

(a) **IN GENERAL.**—Section 2007(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(3) Any active duty service obligation of a commissioned officer under this subsection shall be served consecutively with any other service obligation of the officer (whether active duty or otherwise) under any other provision of law.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to agreements for the payment of tuition for off-duty training or education that are entered into on or after that date.

**SEC. 567. AUTHORITY FOR DETAIL OF CERTAIN ENLISTED MEMBERS OF THE ARMED FORCES AS STUDENTS AT LAW SCHOOLS.**

(a) **IN GENERAL.**—Section 2004 of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) by inserting “and enlisted members” after “commissioned officers”;

(B) by striking “bachelor of laws or”; and

(C) by inserting “and enlisted members” after “twenty-five officers”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by inserting “or enlisted member” after “officer”;

(B) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) either—

“(A) have served on active duty for a period of not less than two years nor more than six years and be an officer in the pay grade O-3 or below as of the time the training is to begin; or

“(B) have served on active duty for a period of not less than four years nor more than eight years and be an enlisted member in the pay grade E-5, E-6, or E-7 as of the time the training is to begin;”;

(C) by redesignating paragraph (2) as paragraph (3);

(D) by inserting after paragraph (1), as amended by subparagraph (B), the following new paragraph (2):

“(2) in the case of an enlisted member, meet all requirements for acceptance of a commission as a commissioned officer in the armed forces; and”;

(E) in subparagraph (B) of paragraph (3), as redesignated by subparagraph (C) of this paragraph, by striking “or law specialist”;

(3) in subsection (c)—

(A) in the first sentence, by inserting “and enlisted members” after “Officers”; and

(B) in the second sentence, by inserting “or enlisted member” after “officer” each place it appears;

(4) in subsection (d), by inserting “and enlistment members” after “officers”;

(5) in subsection (e), by inserting “or enlistment member” after “officer”; and

(6) in subsection (f), by inserting “or enlisted member” after “officer”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§ 2004. Detail as students at law schools; commissioned officers; certain enlisted members”.**

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 101 of such title is amended by striking the item relating to section 2004 and inserting the following new item:

“2004. Detail as students at law schools; commissioned officers; certain enlisted members.”.

**SEC. 568. CONNECTIONS OF MEMBERS RETIRING OR SEPARATING FROM THE ARMED FORCES WITH COMMUNITY-BASED ORGANIZATIONS AND RELATED ENTITIES.**

(a) IN GENERAL.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly seek to enter into memoranda of understanding (MOUs) or other agreements with State veterans agencies under which information from Department of Defense Form DD-2648 on individuals undergoing retirement, discharge, or release from the Armed Forces is transmitted to one or more State veterans agencies, as elected by such individuals, to provide or connect veterans to benefits or services as follows:

(1) Assistance in preparation of resumes.

(2) Training for employment interviews.

(3) Employment recruitment training.

(4) Other services leading directly to a successful transition from military life to civilian life.

(5) Healthcare, including care for mental health.

(6) Transportation or transportation-related services.

(7) Housing.

(8) Such other benefits or services as the Secretaries jointly consider appropriate for purposes of this section.

(b) INFORMATION TRANSMITTED.—The information transmitted on individuals as described in subsection (a) shall be such information on Form DD-2648 as the Secretaries jointly consider appropriate to facilitate community-based organizations and related entities in providing or connecting such individuals to benefits and services as described in subsection (a).

(c) MODIFICATION OF FORM DD-2648.—The Secretary of Defense shall make such modifications to Form DD-2648 as the Secretary considers appropriate to allow an individual filling out the form to indicate an email address at which the individual may be contacted to receive or be connected to benefits or services described in subsection (a).

(d) VOLUNTARY PARTICIPATION.—Information on an individual may be transmitted to and through a State veterans agency as described in subsection (a) only with the consent of the individual. In giving such consent, an individual shall specify the following:

(1) The State veterans agency or agencies elected by the individual to transmit such information as described in subsection (a).

(2) The benefits and services for which contact information shall be so transmitted.

(3) Such other information on the individual as the individual considers appropriate in connection with the transmittal.

**Subtitle F—Defense Dependents' Education and Military Family Readiness Matters**

**PART I—DEFENSE DEPENDENTS' EDUCATION MATTERS**

**SEC. 571. CONTINUATION OF AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) ASSISTANCE TO SCHOOLS WITH SIGNIFICANT NUMBERS OF MILITARY DEPENDENT STUDENTS.—Of the amount authorized to be appropriated for fiscal year 2020 by section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$40,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of section 572 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109-163; 20 U.S.C. 7703b).

(b) LOCAL EDUCATIONAL AGENCY DEFINED.—In this section, the term “local educational agency” has the meaning given that term in section 7013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

**SEC. 572. IMPACT AID FOR CHILDREN WITH SEVERE DISABILITIES.**

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2020 pursuant to section 301 and available for operation and maintenance for Defense-wide activities as specified in the funding table in section 4301, \$10,000,000 shall be available for payments under section 363 of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106-398; 114 Stat. 1654A-77; 20 U.S.C. 7703a).

(b) USE OF CERTAIN AMOUNT.—Of the amount available under subsection (a) for payments as described in that subsection, \$5,000,000 shall be available for such payments to local educational agencies determined by the Secretary of Defense, in the discretion of the Secretary, to have higher concentrations of military children with severe disabilities.

**SEC. 573. RI'KATAK GUEST STUDENT PROGRAM AT UNITED STATES ARMY GARRISON—KWAJALEIN ATOLL.**

(a) PROGRAM AUTHORIZED.—The Secretary of the Army may conduct an assistance program to educate up to five local national students per grade, per academic year, on a space-available basis at the contractor-operated schools on United States Army Garrison—Kwajalein Atoll. The program shall be known as the “Ri'katak Guest Student Program”.

(b) STUDENT ASSISTANCE.—Assistance that may be provided to students participating in the program carried out pursuant to subsection (a) includes the following:

(1) Classroom instruction.

(2) Extracurricular activities.

(3) Student meals.

(4) Transportation.

**PART II—MILITARY FAMILY READINESS MATTERS**

**SEC. 576. TWO-YEAR EXTENSION OF AUTHORITY FOR REIMBURSEMENT OF STATE LICENSURE AND CERTIFICATION COSTS OF SPOUSES OF MEMBERS OF THE ARMED FORCES ARISING FROM RELOCATION TO ANOTHER STATE.**

Section 476(p)(4) of title 37, United States Code, is amended by striking “December 31, 2022” and inserting “December 31, 2024”.

**SEC. 577. IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY FOR MILITARY SPOUSES THROUGH INTERSTATE COMPACTS.**

Section 1784 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(h) IMPROVEMENT OF OCCUPATIONAL LICENSE PORTABILITY THROUGH INTERSTATE COMPACTS.—

“(1) IN GENERAL.—The Secretary of Defense shall seek to enter into a cooperative agreement with the Council of State Governments to assist with funding of the development of interstate compacts on licensed occupations in order to alleviate the burden associated with relicensing in such an occupation by spouse of a member of the armed forces in connection with a permanent change of duty station of members to another State.

“(2) LIMITATION ON ASSISTANCE PER COMPACT.—The amount provided under paragraph (1) as assistance for the development of any particular interstate compact may not exceed \$1,000,000.

“(3) LIMITATION ON TOTAL AMOUNT OF ASSISTANCE.—The total amount of assistance provided under paragraph (1) in any fiscal year may not exceed \$4,000,000.

“(4) ANNUAL REPORT.—Not later than February 28 each year, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on interstate compacts described in paragraph (1) developed through assistance provided under that paragraph. Each report shall set forth the following:

“(A) Any interstate compact developed during the preceding calendar year, including the occupational licenses covered by such compact and the States agreeing to enter into such compact.

“(B) Any interstate compact developed during a prior calendar year into which one or more additional States agreed to enter during the preceding calendar year.

“(5) EXPIRATION.—The authority to enter into a cooperative agreement under paragraph (1), and to provide assistance described in that paragraph pursuant to such cooperative agreement, shall expire on September 30, 2024.”.

**SEC. 578. MODIFICATION OF RESPONSIBILITY OF THE OFFICE OF SPECIAL NEEDS FOR INDIVIDUALIZED SERVICE PLANS FOR MEMBERS OF MILITARY FAMILIES WITH SPECIAL NEEDS.**

Subparagraph (F) of section 1781c(d)(4) of title 10, United States Code, is amended to read as follows:

“(F) Requirements regarding the development of an individualized services plan for each military family member with special needs when requested in connection with the completion of a family needs assessment for the military family concerned.”.

**SEC. 579. CLARIFYING TECHNICAL AMENDMENT ON DIRECT HIRE AUTHORITY FOR THE DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS.**

Section 559(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1406; 10 U.S.C. 1792 note) is amended by inserting “(including family childcare coordinator services and school age childcare coordinator services)” after “childcare services”.

**SEC. 580. PILOT PROGRAM ON INFORMATION SHARING BETWEEN DEPARTMENT OF DEFENSE AND DESIGNATED RELATIVES AND FRIENDS OF MEMBERS OF THE ARMED FORCES REGARDING THE EXPERIENCES AND CHALLENGES OF MILITARY SERVICE.**

(a) PILOT PROGRAM REQUIRED.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act,

the Secretary of Defense shall seek to enter into an agreement with the American Red Cross to carry out a pilot program under which the American Red Cross—

(A) encourages a member of the Armed Forces, upon the enlistment or appointment of such member, to designate up to 10 persons to whom information regarding the military service of such member shall be disseminated using contact information obtained under paragraph (6); and

(B) provides such persons, within 30 days after the date on which such persons are designated under subparagraph (A), the option to elect to receive such information regarding military service.

(2) **DISSEMINATION.**—The Secretary shall disseminate information described in paragraph (1)(A) under the pilot program on a regular basis.

(3) **TYPES OF INFORMATION.**—The types of information to be disseminated under the pilot program to persons who elect to receive such information shall include information regarding—

(A) aspects of daily life and routine experienced by members of the Armed Forces;

(B) the challenges and stresses of military service, particularly during and after deployment as part of a contingency operation;

(C) the services available to members of the Armed Forces and the dependents of such members to cope with the experiences and challenges of military service;

(D) benefits administered by the Department of Defense for members of the Armed Forces and the dependents of such members;

(E) a toll-free telephone number through which such persons who elect to receive information under the pilot program may request information regarding the program; and

(F) such other information as the Secretary determines to be appropriate.

(4) **PRIVACY OF INFORMATION.**—In carrying out the pilot program, the Secretary may not disseminate information under paragraph (3) in violation of laws and regulations pertaining to the privacy of members of the Armed Forces, including requirements pursuant to—

(A) section 552a of title 5, United States Code; and

(B) the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

(5) **NOTICE AND MODIFICATIONS.**—In carrying out the pilot program, the Secretary shall, with respect to a member of the Armed Forces—

(A) ensure that such member is notified of the ability to modify designations made by such member under paragraph (1)(B); and

(B) upon the request of a member, authorize such member to modify such designations at any time.

(6) **CONTACT INFORMATION.**—In making a designation under the pilot program, a member of the Armed Forces shall provide necessary contact information, specifically including an email address, to facilitate the dissemination of information regarding the military service of the member.

(7) **OPT-IN AND OPT-OUT OF PROGRAM.**—

(A) **OPT-IN BY MEMBERS.**—A member may participate in the pilot program only if the member voluntarily elects to participate in the program. A member seeking to make such an election shall make such election in a manner, and by including such information, as the Secretary and the Red Cross shall jointly specify for purposes of the pilot program.

(B) **OPT-IN BY DESIGNATED RECIPIENTS.**—A person designated pursuant to paragraph (1)(A) may receive information under the pilot program only if the person makes the election described in paragraph (1)(B).

(C) **OPT-OUT.**—In carrying out the pilot program, the Secretary shall, with respect to a person who has elected to receive information under such pilot program, cease disseminating such information to that person upon request of such person.

(b) **SURVEY AND REPORT ON PILOT PROGRAM.**—

(1) **SURVEY.**—Not later than two years after the date on which the pilot program commences, the Secretary, in consultation with the American Red Cross, shall administer a survey to persons who elected to receive information under the pilot program for the purpose of receiving feedback regarding the quality of information disseminated under this section, including whether such information appropriately reflects the military career progression of members of the Armed Forces.

(2) **REPORT.**—Not later than three years after the date on which the pilot program commences, the Secretary shall submit to the congressional defense committees a final report on the pilot program which includes—

(A) the results of the survey administered under paragraph (1);

(B) a determination as to whether the pilot program should be made permanent; and

(C) recommendations as to modifications necessary to improve the program if made permanent.

(c) **TERMINATION OF PILOT PROGRAM.**—The pilot program shall terminate upon submission of the report required by subsection (b)(2).

#### **SEC. 581. BRIEFING ON USE OF FAMILY ADVOCACY PROGRAMS TO ADDRESS DOMESTIC VIOLENCE.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on various mechanisms by which the Family Advocacy Programs (FAPs) of the military departments may be used and enhanced in order to end domestic violence among members of the Armed Forces and support survivors of such violence and their dependents.

#### **Subtitle G—Decorations and Awards**

#### **SEC. 585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JOHN J. DUFFY FOR ACTS OF VALOR IN VIETNAM.**

(a) **WAIVER OF TIME LIMITATIONS.**—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the Armed Forces, the President may award the Medal of Honor under section 3741 of such title to John J. Duffy for the acts of valor in Vietnam described in subsection (b).

(b) **ACTS OF VALOR DESCRIBED.**—The acts of valor referred to in subsection (a) are the actions of John J. Duffy on April 14 and 15, 1972, in Vietnam for which he was previously awarded the Distinguished-Service Cross.

#### **SEC. 586. STANDARDIZATION OF HONORABLE SERVICE REQUIREMENT FOR AWARD OF MILITARY DECORATIONS.**

(a) **HONORABLE SERVICE REQUIREMENT.**—

(1) **IN GENERAL.**—Chapter 57 of title 10, United States Code, is amended by adding at the end the following new section

#### **“§ 1136. Honorable service requirement for award of military decorations**

“No military decoration, including a medal, cross, or bar, or an associated emblem or insignia, may be awarded or presented to any person, or to a representative of the person, if the service of the person after the person distinguished himself or herself has not been honorable.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 57 of

such title is amended by adding at the end the following:

“1136. Honorable service requirement for award of military decorations.”.

(b) **CONFORMING AMENDMENTS.**—Title 10, United States Code, is further amended as follows:

(1) In section 7274—

(A) in subsection (b) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(2)(A) Section 8299 is repealed.

(B) The table of sections at the beginning of chapter 837 is amended by striking the item relating to section 8299.

(3) In section 9274—

(A) in subsection (b) in the matter preceding paragraph (1), by striking “subsection (d)” and inserting “subsection (c)”;

(B) by striking subsection (c); and

(C) by redesignating subsection (d) as subsection (c).

(4) In section 9279, by striking subsection (c).

#### **SEC. 587. AUTHORITY TO AWARD OR PRESENT A DECORATION NOT PREVIOUSLY RECOMMENDED IN A TIMELY FASHION FOLLOWING A REVIEW REQUESTED BY CONGRESS.**

(a) **AUTHORITY TO AWARD OR PRESENT.**—Section 1130 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d)(1) A decoration may be awarded or presented following the submittal of a recommendation under subsection (b) approving the award or presentation.

“(2) The authority to make an award or presentation under this subsection shall apply notwithstanding any limitation described in subsection (a).”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§ 1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation”.**

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 57 of such title is amended by striking the item relating to section 1130 and inserting the following new item:

“1130. Consideration of proposals for decorations not previously submitted in timely fashion: procedures for review and award or presentation.”.

#### **SEC. 588. AUTHORITY TO MAKE POSTHUMOUS AND HONORARY PROMOTIONS AND APPOINTMENTS FOLLOWING A REVIEW REQUESTED BY CONGRESS.**

(a) **AUTHORITY TO MAKE.**—Section 1563 of title 10, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

“(c) **AUTHORITY TO MAKE.**—(1) Under regulations prescribed by the Secretary of Defense, a posthumous or honorary promotion or appointment may be made following the submittal of a determination under subsection (b) if the determination is to approve the making of such promotion or appointment.

“(2) The authority to make a promotion or appointment under this subsection shall apply notwithstanding that such promotion

or appointment is not otherwise authorized by law.

“(d) **ADDITIONAL BENEFITS NOT TO ACCRUE.**—The promotion or appointment of individual pursuant to subsection (c) shall not affect the retired pay or other benefits from the United States to which the individual would have been entitled based upon the individual’s military service, if any, or affect any benefits to which any other person may become entitled based on the individual’s military service, if any.”.

(b) **CONFORMING AND CLERICAL AMENDMENTS.**—

(1) **HEADING AMENDMENT.**—The heading of such section is amended to read as follows:

**“§ 1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and promotion or appointment”.**

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 80 of such title is amended by striking the item relating to section 1563 and inserting the following new item:

“1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and promotion or appointment.”.

#### **Subtitle H—Other Matters**

##### **SEC. 591. MILITARY FUNERAL HONORS MATTERS.**

(a) **FULL MILITARY HONORS CEREMONY FOR CERTAIN VETERANS.**—Section 1491(b) of title 10, United States Code, is amended by adding at the end the following:

“(3) The Secretary concerned shall provide full military honors (as determined by the Secretary concerned) for the funeral of a veteran who—

“(A) is first interred or first inurned in Arlington National Cemetery on or after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020;

“(B) was awarded the medal of honor or the prisoner-of-war medal; and

“(C) is not entitled to full military honors by the grade of that veteran.”.

(b) **FULL MILITARY FUNERAL HONORS FOR VETERANS AT MILITARY INSTALLATIONS.**—

(1) **INSTALLATION PLANS FOR HONORS REQUIRED.**—The commander of each military installation at or through which a funeral honors detail for a veteran is provided pursuant to section 1491 of title 10, United States Code (as amended by subsection (a)), shall maintain and carry out a plan for the provision, upon request, of full military funeral honors at funerals of veterans for whom a funeral honors detail is authorized in that section.

(2) **ELEMENTS.**—Each plan of an installation under paragraph (1) shall include the following:

(A) Mechanisms to ensure compliance with the requirements applicable to the composition of funeral honors details in section 1491(b) of title 10, United States Code (as so amended).

(B) Mechanisms to ensure compliance with the requirements for ceremonies for funerals in section 1491(c) of such title.

(C) In addition to the ceremonies required pursuant to subparagraph (B), the provision of a gun salute for each funeral by appropriate personnel, including personnel of the installation, members of the reserve components of the Armed Forces residing in the vicinity of the installation who are ordered to funeral honors duty, and members of veterans organizations or other organizations referred to in section 1491(b)(2) of such title.

(D) Mechanisms for the provision of support authorized by section 1491(d) of such title.

(E) Such other mechanisms and activities as the Secretary concerned considers appro-

priate in order to assure that full military funeral honors are provided upon request at funerals of veterans.

(3) **DEFINITIONS.**—In this subsection:

(A) The term “Secretary concerned” has the meaning given that term in section 101(a)(9) of title 10, United States Code.

(B) The term “veteran” has the meaning given that term in section 1491(h) of title 10, United States Code.

##### **SEC. 592. INCLUSION OF HOMESCHOOLED STUDENTS IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS.**

Section 2031 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(g)(1) Each public secondary educational institution that maintains a unit under this section shall permit membership in the unit to homeschooled students residing in the area served by the institution who are qualified for membership in the unit (but for lack of enrollment in the institution).

“(2) A student who is a member of a unit pursuant to this subsection shall count toward the satisfaction by the institution concerned of the requirement in subsection (b)(1) relating to the minimum number of student members in the unit necessary for the continuing maintenance of the unit.”.

##### **SEC. 593. SENSE OF SENATE ON THE JUNIOR RESERVE OFFICERS’ TRAINING CORPS.**

It is the sense of the Senate that—

(1) the Junior Reserve Officers’ Training Corps (JROTC) is a valuable program that instill the values of citizenship, service to the community, personal responsibility and a sense of accomplishment in high school students;

(2) the Junior Reserve Officers’ Training Corps is supported by all the Armed Forces, and there are Junior Reserve Officers’ Training Corps units in all 50 States, 4 United States territories, and the District of Columbia;

(3) the Junior Reserve Officers’ Training Corps consistently improves student outcomes across a wide variety of academic and nonacademic data points, including grade point average, high school graduation and college acceptance rates, standardized test scores, drop-out rates, discipline problems, and leadership skills;

(4) the Department of Defense should view the Junior Reserve Officers’ Training Corps as a unique program to help close the divide between the military and the greater civilian community in the United States;

(5) given the increased funding and more flexible policy authorized in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), the Department should take every possible action to increase the number of Junior Reserve Officers’ Training Corps units at schools around the United States; and

(6) the desired number of Junior Reserve Officers’ Training Corps units should be at least 3,700 in order to relieve a significant backlog in requests to establish such units.

#### **TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

##### **Subtitle A—Pay and Allowances**

##### **SEC. 601. EXPANSION OF ELIGIBILITY FOR EXCEPTIONAL TRANSITIONAL COMPENSATION FOR DEPENDENTS TO DEPENDENTS OF CURRENT MEMBERS.**

Section 1059(m) of title 10, United States Code, is amended—

(1) in the subsection heading, by inserting “MEMBERS OR” after “DEPENDENTS OF”;

(2) by inserting “member or” before “former member” each place it appears;

(3) by redesignating paragraph (3) as paragraph (4); and

(4) by inserting after paragraph (2) the following new paragraph (3):

“(3) For purposes of the provision of benefits under this section pursuant to this subsection, a member shall be considered separated from active duty upon the earliest of—

“(A) the date an administrative separation is initiated by a commander of the member;

“(B) the date the court-martial sentence is adjudged if the sentence, as adjudged, includes a dismissal, dishonorable discharge, bad conduct discharge, or forfeiture of all pay and allowances; or

“(C) the date the member’s term of service expires.”.

##### **Subtitle B—Bonuses and Special and Incentive Pays**

##### **SEC. 611. ONE-YEAR EXTENSION OF CERTAIN EXPIRING BONUS AND SPECIAL PAY AUTHORITIES.**

(a) **AUTHORITIES RELATING TO RESERVE FORCES.**—Section 910(g) of title 37, United States Code, relating to income replacement payments for reserve component members experiencing extended and frequent mobilization for active duty service, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(b) **TITLE 10 AUTHORITIES RELATING TO HEALTH CARE PROFESSIONALS.**—The following sections of title 10, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 2130a(a)(1), relating to nurse officer candidate accession program.

(2) Section 16302(d), relating to repayment of education loans for certain health professionals who serve in the Selected Reserve.

(c) **AUTHORITIES RELATING TO NUCLEAR OFFICERS.**—Section 333(i) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

(d) **AUTHORITIES RELATING TO TITLE 37 CONSOLIDATED SPECIAL PAY, INCENTIVE PAY, AND BONUS AUTHORITIES.**—The following sections of title 37, United States Code, are amended by striking “December 31, 2019” and inserting “December 31, 2020”:

(1) Section 331(h), relating to general bonus authority for enlisted members.

(2) Section 332(g), relating to general bonus authority for officers.

(3) Section 334(i), relating to special aviation incentive pay and bonus authorities for officers.

(4) Section 335(k), relating to special bonus and incentive pay authorities for officers in health professions.

(5) Section 336(g), relating to contracting bonus for cadets and midshipmen enrolled in the Senior Reserve Officers’ Training Corps.

(6) Section 351(h), relating to hazardous duty pay.

(7) Section 352(g), relating to assignment pay or special duty pay.

(8) Section 353(i), relating to skill incentive pay or proficiency bonus.

(9) Section 355(h), relating to retention incentives for members qualified in critical military skills or assigned to high priority units.

(e) **AUTHORITY TO PROVIDE TEMPORARY INCREASE IN RATES OF BASIC ALLOWANCE FOR HOUSING.**—Section 403(b)(7)(E) of title 37, United States Code, is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

##### **Subtitle C—Travel and Transportation Allowances**

##### **SEC. 621. EXTENSION OF PILOT PROGRAM ON A GOVERNMENT LODGING PROGRAM.**

Section 914(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (5 U.S.C. 5911 note) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.



**SEC. 622. REINVESTMENT OF TRAVEL REFUNDS BY THE DEPARTMENT OF DEFENSE.**

(a) REFUNDS FOR OFFICIAL TRAVEL.—Subchapter I of chapter 8 of title 37, United States Code, is amended by adding at the end the following new section:

**“§ 456. Managed travel program refunds**

“(a) CREDIT OF REFUNDS.—The Secretary of Defense may credit refunds attributable to Department of Defense managed travel programs as a direct result of official travel to such operation and maintenance or research, development, test, and evaluation accounts of the Department as designated by the Secretary that are available for obligation for the fiscal year in which the refund or amount is collected.

“(b) USE OF REFUNDS.—Refunds credited under subsection (a) may only be used for official travel or operations and efficiency improvements for improved financial management of official travel.

“(c) DEFINITIONS.—In this section:

“(1) MANAGED TRAVEL PROGRAM.—The term ‘managed travel program’ includes air, rental car, train, bus, dining, lodging, and travel management, but does not include rebates or refunds attributable to the use of the Government travel card, the Government Purchase Card, or Government travel arranged by Government Contracted Travel Management Centers.

“(2) REFUND.—The term ‘refund’ includes miscellaneous receipts credited to the Department identified as a refund, rebate, repayment, or other similar amounts collected.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 8 of such title is amended by inserting after the item relating to section 455 the following new item:

“456. Managed travel program refunds.”.

(c) CLARIFICATION ON RETENTION OF TRAVEL PROMOTIONAL ITEMS.—Section 1116(a) of the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107-107; 5 U.S.C. 5702 note) is amended—

(1) by striking “DEFINITION.—In this section, the term” and inserting the following: “DEFINITIONS.—In this section:

“(1) The term”; and

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

“(2) The term ‘general public’ includes the Federal Government or an agency.”.

**Subtitle D—Disability Pay, Retired Pay, and Survivor Benefits****SEC. 631. CONTRIBUTIONS TO DEPARTMENT OF DEFENSE MILITARY RETIREMENT FUND BASED ON PAY COSTS PER ARMED FORCE RATHER THAN ON ARMED FORCES-WIDE BASIS.**

(a) DETERMINATION OF CONTRIBUTIONS GENERALLY.—Section 1465(c) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking “single level percentage of basic pay for active duty (other than the Coast Guard) and for full-time National Guard duty” and inserting “percentage of basic pay for each armed force (other than the Coast Guard) and for any full-time National Guard duty”;

(B) in subparagraph (B)—

(i) by striking “single level”; and

(ii) by striking “members of the Selected Reserve of the armed forces (other than the Coast Guard)” and inserting “each armed force (other than the Coast Guard) for members of the Selected Reserve”; and

(C) in the flush matter following subparagraph (B), by striking “single level”; and

(2) in paragraph (4)—

(A) by striking “a single level percentage determined” both places it appears and inserting “percentages”; and

(B) in the flush matter following subparagraph (B), by striking “single level”.

(b) CONFORMING AMENDMENTS.—

(1) DETERMINATION OF CONTRIBUTIONS.—Section 1465(b) of title 10, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “product” and inserting “aggregate of the products”;

(II) in clause (i), by striking “single level percentage of basic pay” and inserting “percentage of basic pay for each armed force (other than the Coast Guard)”; and

(III) in clause (ii), by striking “for active duty (other than the Coast Guard) and for full-time National Guard duty” and inserting “for such armed force for active duty and for any full-time National Guard duty”; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking “product” and inserting “aggregate of the products”;

(II) in clause (i), by striking “single level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37)” and inserting “percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for each armed force (other than the Coast Guard)”; and

(III) in clause (ii), by striking “the armed forces (other than the Coast Guard)” and inserting “such armed force”; and

(B) in paragraph (3), by striking “single level”.

(2) PAYMENTS OF CONTRIBUTIONS.—Section 1466(a) of such title is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “product” and inserting “aggregate of the products”;

(ii) in subparagraph (A), by striking “level percentage of basic pay” and inserting “percentage of basic pay for each armed force (other than the Coast Guard)”; and

(iii) in subparagraph (B), by striking “for active duty (other than for the Coast Guard) and for full-time National Guard duty” and inserting “for such armed force for active duty and for any full-time National Guard duty”; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking “product” and inserting “aggregate of the products”;

(ii) in subparagraph (A), by striking “level percentage of basic pay and of compensation (paid pursuant to section 206 of title 37)” and inserting “percentage of basic pay and of compensation (paid pursuant to section 206 of title 37) for each armed force (other than the Coast Guard)”; and

(iii) in subparagraph (B), by striking “the armed forces (other than the Coast Guard)” and inserting “such armed force”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to determinations of contributions to the Department of Defense Military Retirement Fund, and payments into the Fund, beginning with fiscal year 2021.

**SEC. 632. MODIFICATION OF AUTHORITIES ON ELIGIBILITY FOR AND REPLACEMENT OF GOLD STAR LAPEL BUTTONS.**

(a) EXPANSION OF AUTHORITY TO DETERMINE NEXT OF KIN FOR ISSUANCE.—Section 1126 of title 10, United States Code, is amended—

(1) in subsection (a), by striking “widows, parents, and” in the matter preceding paragraph (1);

(2) in subsection (b), by striking “the widow and to each parent and” and inserting “each”; and

(3) in subsection (d)—

(A) by striking paragraphs (1), (2), (3), and (4) and inserting the following new paragraph (1):

“(1) The term ‘next of kin’ means individuals standing in such relationship to members of the armed forces described in subsection (a) as the Secretaries concerned shall jointly specify in regulations for purposes of this section.”; and

(B) by redesignating paragraphs (5), (6), (7), and (8) as paragraphs (2), (3), (4), and (5), respectively.

(b) REPLACEMENT.—Subsection (c) of such section is amended by striking “and payment” and all that follows and inserting “and without cost.”.

**Subtitle E—Commissary and Non-Appropriated Fund Instrumentality Benefits and Operations****SEC. 641. DEFENSE RESALE SYSTEM MATTERS.**

(a) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness shall, in coordination with the Chief Management Officer of the Department of Defense, maintain oversight of business transformation efforts of the defense commissary system and the exchange store system in order to ensure the following:

(1) Development of an intercomponent business strategy that maximizes efficiencies and results in a viable defense resale system in the future.

(2) Preservation of patron savings and satisfaction from and in the defense commissary system and exchange stores system.

(3) Sustainment of financial support of the defense commissary and exchange systems for morale, welfare, and recreation (MWR) services of the Armed Forces.

(b) EXECUTIVE RESALE BOARD ADVICE ON OPERATIONS OF SYSTEMS.—The Executive Resale Board of the Department of Defense shall advise the Under Secretary on the implementation of sustainable, complementary operations of the defense commissary system and the exchange stores system.

(c) PRACTICES AND SERVICES.—

(1) IN GENERAL.—The Secretary of Defense shall, acting through the Under Secretary and with advice from the Executive Resale Board, require the Defense Commissary Agency and the Military Exchange Service to identify and implement practices and services described in paragraph (2) across the defense resale system.

(2) PRACTICES AND SERVICES.—Practices and services described in this paragraph shall include the following:

(A) Best commercial business practices.

(B) Shared-services systems that increase efficiencies across the defense resale system, including in transportation of goods, application-based marketing initiatives and other mobile electronic-commerce programs, facilities construction, back-office information technology systems, human resource management, legal services, financial services, and advertising.

(C) Integration of services provided by the exchange stores system within commissary system facilities, as appropriate, including services such as dry cleaning, health and wellness activities, pharmacies, urgent care centers, food, and other retail services.

(d) INFORMATION TECHNOLOGY MODERNIZATION.—The Secretary shall, acting through the Under Secretary and with advice from the Executive Resale Board, require the Defense Commissary Agency and the Military Exchange Service to do as follows:

(1) Field new technologies and best business practices for information technology for the defense resale system.

(2) Implement cutting-edge marketing opportunities across the defense resale system.

(e) INCLUSION OF ADVERTISING IN OPERATING EXPENSES OF COMMISSARY STORES.—Section

2483(b) of title 10, United States Code, is amended by adding at the end the following paragraph:

“(7) Advertising of commissary sales on materials available within commissary stores and at other on-base locations.”.

**SEC. 642. TREATMENT OF FEES ON SERVICES PROVIDED AS SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.**

Section 2483(c) of title 10, United States Code, is amended by inserting “fees on services provided,” after “handling fees for tobacco products.”.

**SEC. 643. PROCUREMENT BY COMMISSARY STORES OF CERTAIN LOCALLY SOURCED PRODUCTS.**

The Secretary of Defense shall ensure that the dairy products and fruits and vegetables procured for commissary stores under the defense commissary system are, to the extent practicable, locally sourced in order to ensure the availability of the freshest possible dairy products and fruits and vegetables for patrons of the stores.

**TITLE VII—HEALTH CARE PROVISIONS**

**Subtitle A—TRICARE and Other Health Care Benefits**

**SEC. 701. CONTRACEPTION COVERAGE PARITY UNDER THE TRICARE PROGRAM.**

(a) IN GENERAL.—Section 1074d(b)(3) of title 10, United States Code, is amended by inserting before the period at the end the following: “(including all methods of contraception approved by the Food and Drug Administration, contraceptive care (including with respect to insertion, removal, and follow up), sterilization procedures, and patient education and counseling in connection therewith)”.

(b) PROHIBITION ON COST-SHARING FOR CERTAIN SERVICES.—

(1) TRICARE SELECT.—Section 1075(c) of such title is amended by adding at the end the following new paragraph:

“(4) For all beneficiaries under this section, there is no cost-sharing for any method of contraception provided by a network provider.”.

(2) TRICARE PRIME.—Section 1075a(b) of such title is amended by adding at the end the following new paragraph:

“(5) For all beneficiaries under this section, there is no cost-sharing for any method of contraception provided under TRICARE Prime.”.

(3) PHARMACY BENEFITS PROGRAM.—Section 1074g(a)(6) of such title is amended by adding at the end the following new subparagraph:

“(D) Notwithstanding subparagraphs (A), (B), and (C), there is no cost-sharing for any prescription contraceptive on the uniform formulary provided by a retail pharmacy described in subsection (a)(2)(E)(ii) or the national mail-order pharmacy program.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2020.

**SEC. 702. TRICARE PAYMENT OPTIONS FOR RETIREES AND THEIR DEPENDENTS.**

(a) IN GENERAL.—Section 1099 of title 10, United States Code, is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) PAYMENT OPTIONS.—(1) A member or former member of the uniformed services, or a dependent thereof, eligible for medical care and dental care under section 1074(b) or 1076 of this title shall pay a premium for coverage under this chapter.

“(2) To the maximum extent practicable, a premium owed by a member, former member, or dependent under paragraph (1) shall be withheld from the retired, retainer, or equivalent pay of the member, former mem-

ber, or dependent. In all other cases, a premium shall be paid in a frequency and method determined by the Secretary.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) CONFORMING AMENDMENTS.—Section 1097a of title 10, United States Code, is amended—

(A) by striking subsection (c); and

(B) by redesignating subsections (d), (e), and (f) as subsections (c), (d), and (e), respectively.

(2) HEADING AMENDMENTS.—

(A) AUTOMATIC ENROLLMENTS.—The heading for section 1097a of such title is amended to read as follows:

“§ 1097a. TRICARE Prime: automatic enrollments”.

(B) ENROLLMENT SYSTEM AND PAYMENT OPTIONS.—The heading for section 1099 of such title is amended to read as follows:

“§ 1099. Health care enrollment system and payment options”.

(3) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 55 of such title is amended—

(A) by striking the item relating to section 1097a and inserting the following new item:

“1097a. TRICARE Prime: automatic enrollments.”; and

(B) by striking the item relating to section 1099 and inserting the following new item:

“1099. Health care enrollment system and payment options.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to health care coverage beginning on or after January 1, 2021.

**SEC. 703. LEAD LEVEL SCREENING AND TESTING FOR CHILDREN.**

(a) COMPREHENSIVE SCREENING, TESTING, AND REPORTING GUIDELINES.—

(1) IN GENERAL.—The Secretary of Defense shall establish clinical practice guidelines for health care providers employed by the Department of Defense on screening, testing and reporting of blood lead levels in children.

(2) USE OF CDC RECOMMENDATIONS.—Guidelines established under paragraph (1) shall reflect recommendations made by the Centers for Disease Control and Prevention with respect to the screening, testing, and reporting of blood lead levels in children.

(3) DISSEMINATION OF GUIDELINES.—Not later than one year after the date of the enactment of this Act, the Secretary shall disseminate the clinical practice guidelines established under paragraph (1) to health care providers of the Department of Defense.

(b) CARE PROVIDED IN ACCORDANCE WITH CDC GUIDANCE.—The Secretary shall ensure that any care provided by the Department of Defense to a child for lead poisoning shall be carried out in accordance with applicable guidance issued by the Centers for Disease Control and Prevention.

(c) SHARING OF RESULTS OF TESTING.—

(1) IN GENERAL.—With respect to a child who receives from the Department of Defense a test for lead poisoning—

(A) the Secretary shall provide the results of the test to the parent or guardian of the child; and

(B) notwithstanding any requirements for the confidentiality of health information under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191), the Secretary shall provide the results of the test and the address at which the child resides to—

(i) the relevant health department of the State in which the child resides if the child resides in the United States; or

(ii) if the child resides outside the United States—

(I) the Centers for Disease Control and Prevention; and

(II) the appropriate authority of the country in which the child resides.

(2) STATE DEFINED.—In this subsection, the term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(d) REPORT.—

(1) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report detailing, with respect to the period beginning on the date of the enactment of this Act and ending on the date of the report, the following:

(A) The number of children who were tested by the Department of Defense for the level of lead in the blood of the child, and of such number, the number who were found to have elevated blood lead levels.

(B) The number of children who were screened by the Department of Defense for an elevated risk of lead exposure.

(C) The treatment provided to children pursuant to chapter 55 of title 10, United States Code, for lead poisoning.

(2) ELEVATED BLOOD LEAD LEVEL DEFINED.—In this paragraph, the term “elevated blood lead level” has the meaning given that term by the Centers for Disease Control and Prevention.

**SEC. 704. PROVISION OF BLOOD TESTING FOR FIREFIGHTERS OF DEPARTMENT OF DEFENSE TO DETERMINE EXPOSURE TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.**

(a) IN GENERAL.—Beginning on October 1, 2020, the Secretary of Defense shall provide blood testing to determine and document potential exposure to perfluoroalkyl and polyfluoroalkyl substances (commonly known as “PFAS”) for each firefighter of the Department of Defense during the annual physical exam conducted by the Department for each such firefighter.

(b) FIREFIGHTER DEFINED.—In this section, the term “firefighter” means someone whose primary job or military occupational specialty is being a firefighter.

**Subtitle B—Health Care Administration**

**SEC. 711. MODIFICATION OF ORGANIZATION OF MILITARY HEALTH SYSTEM.**

(a) ADMINISTRATION OF MILITARY MEDICAL TREATMENT FACILITIES.—Subsection (a) of section 1073c of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by redesignating subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (C), (D), (E), (G), (H), and (I), respectively;

(B) by inserting before subparagraph (C), as redesignated by subparagraph (A) of this paragraph, the following new subparagraphs:

“(A) provision and delivery of health care within each such facility;

“(B) management of privileging, scope of practice, and quality of health care provided within each such facility.”; and

(C) inserting the following new subparagraph:

“(F) supply and equipment.”; and

(2) in paragraph (2)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(B) by inserting after subparagraph (C) the following new subparagraph (D):

“(D) to identify the capacity of each military medical treatment facility to support clinical readiness standards of health care providers established by the Secretary of a military department or the Assistant Secretary of Defense for Health Affairs;” and

(C) by amending subparagraph (F), as redesignated by subparagraph (A) of this paragraph, to read as follows:

“(F) to determine, in coordination with each Secretary of a military department, manning, including joint manning, assigned to military medical treatment facilities and intermediary organizations;” and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by inserting “on behalf of the military departments,” before “ensuring”; and

(ii) by striking “and civilian employees”; and

(B) in subparagraph (B), by inserting “on behalf of the Defense Health Agency,” before “furnishing”.

(b) DHA ASSISTANT DIRECTOR.—Subsection (b)(2) of such section is amended by striking “equivalent education and experience” and all that follows and inserting “the education and experience to perform the responsibilities of the position.”.

(c) DHA DEPUTY ASSISTANT DIRECTORS.—Subsection (c) of such section is amended—

(1) in paragraph (2)(B), by striking “across the military health system” and inserting “at military medical treatment facilities”; and

(2) in paragraph (4)(B), by inserting “at military medical treatment facilities” before the period at the end.

(d) MILITARY MEDICAL TREATMENT FACILITY.—Subsection (f) of such section is amended by adding at the end the following new paragraph:

“(3) The term ‘military medical treatment facility’ means—

“(A) any fixed facility of the Department of Defense that is outside of a deployed environment and used primarily for health care; and

“(B) any other location used for purposes of providing health care services as designated by the Secretary of Defense.”.

(e) TECHNICAL AMENDMENTS.—Subsection (a) of such section is amended—

(1) in paragraph (1), by striking “paragraph (4)” and inserting “paragraph (5)”;

(2) by redesignating paragraph (5) as paragraph (6);

(3) by redesignating the first paragraph (4) as paragraph (5); and

(4) by moving the second paragraph (4) so as to appear before paragraph (5), as redesignated by paragraph (3) of this subsection.

#### **SEC. 712. SUPPORT BY MILITARY HEALTH SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.**

(a) IN GENERAL.—Section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) in subsection (a), by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary of Defense shall, acting through the Secretaries of the military departments, the Defense Health Agency, and the Joint Staff, implement an organizational framework of the military health system that effectively implements chapter 55 of title 10, United States Code, to maximize the readiness of the medical force, promote interoperability, and integrate medical capabilities of the Armed Forces in order to enhance joint military medical operations in support of requirements of the combatant commands.”;

(2) in subsection (e), by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively, and by moving such paragraphs so as to appear at the end of subsection (d);

(3) by striking subsection (e), as amended by paragraph (2) of this subsection;

(4) by redesignating subsections (b) through (d) as subsections (c) through (e), respectively;

(5) by inserting after subsection (a) the following new subsection (b):

“(b) ADDITIONAL DUTIES OF SURGEONS GENERAL OF THE ARMED FORCES.—The Surgeons

General of the Armed Forces shall have the following duties:

“(1) To ensure the readiness for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(2) To meet medical readiness standards, subject to standards and metrics established by the Assistant Secretary of Defense for Health Affairs.

“(3) With respect to uniformed medical and dental personnel of the military department concerned—

“(A) to assign such personnel to military medical treatment facilities, under the operational control of the commander or director of the facility, or to partnerships with civilian or other medical facilities for training activities specific to such military department; and

“(B) to maintain readiness of such personnel for operational deployment.

“(4) To provide logistical support for operational deployment of medical and dental personnel and deployable medical or dental teams or units of the Armed Force or Armed Forces concerned.

“(5) To oversee mobilization and demobilization in connection with the operational deployment of medical and dental personnel of the Armed Force or Armed Forces concerned.

“(6) To develop operational medical capabilities required to support the warfighter, and to develop policy relating to such capabilities.

“(7) To provide health professionals to serve in leadership positions across the military healthcare system.

“(8) To deliver operational clinical services under the operational control of the combatant commands—

“(A) on ships and planes; and

“(B) on installations outside of military medical treatment facilities.

“(9) To manage privileging, scope of practice, and quality of health care in the settings described in paragraph (8).”;

(6) in subsection (c), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”; and

(B) in paragraph (1)—

(i) in the paragraph heading, by inserting “AGENCY” before “REGIONS”; and

(ii) by striking “defense health” and inserting “Defense Health Agency”;

(7) in subsection (d), as redesignated by paragraph (4) of this subsection—

(A) in the subsection heading, by inserting “AGENCY” before “REGIONS”; and

(B) in the matter preceding paragraph (1), by striking “defense health” and inserting “Defense Health Agency”; and

(C) in paragraph (3), by striking “subsection (b)” and inserting “subsection (c)”;

and

(8) in subsection (e), as redesignated by paragraph (4) of this subsection—

(A) in paragraph (2)—

(i) by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—The Secretaries of the military departments shall coordinate with the Chairman of the Joint Chiefs of Staff and the Defense Health Agency to direct resources allocated to the military departments to support requirements related to readiness and operational medicine support that are established by the combatant commands and validated by the Joint Staff.”; and

(ii) in subparagraph (B), in the matter preceding clause (i), by striking “Based on” and all that follows through “shall—” and inserting “The Director of the Defense Health Agency, in coordination with the Assistant

Secretary of Defense for Health Affairs, shall—”;

(B) in paragraph (3), as moved and redesignated by paragraph (2) of this subsection, in the second sentence—

(i) by inserting “primarily” before “through”; and

(ii) by inserting “, in coordination with the Secretaries of the military departments,” after “the Defense Health Agency”; and

(C) by adding at the end the following:

“(5) MANPOWER.—

“(A) ADMINISTRATIVE CONTROL OF MILITARY PERSONNEL.—Each Secretary of a military department shall exercise administrative control of members of the Armed Forces assigned to military medical treatment facilities, including personnel assignment and issuance of military orders.

“(B) OVERSIGHT OF CERTAIN PERSONNEL BY THE DIRECTOR OF THE DEFENSE HEALTH AGENCY.—In situations in which members of the Armed Forces provide health care services at a military medical treatment facility, the Director of the Defense Health Agency shall maintain oversight for the provision of care delivered by those individuals through policies, procedures, and privileging responsibilities of the military medical treatment facility.”.

(b) CONFORMING AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading for section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended to read as follows:

#### **“SEC. 712. SUPPORT BY MILITARY HEALTHCARE SYSTEM OF MEDICAL REQUIREMENTS OF COMBATANT COMMANDS.”.**

(2) CLERICAL AMENDMENT.—The table of contents for such Act is amended by striking the item relating to section 712 and inserting the following new item:

“Sec. 712. Support by military healthcare system of medical requirements of combatant commands.”.

#### **SEC. 713. TOURS OF DUTY OF COMMANDERS OR DIRECTORS OF MILITARY TREATMENT FACILITIES.**

(a) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense shall establish a minimum length for the tour of duty of an individual as a commander or director of a military treatment facility.

(b) TOURS OF DUTY.—

(1) IN GENERAL.—Except as provided in paragraph (2), the length of the tour of duty as a commander or director of a military treatment facility of any individual assigned to such position after January 1, 2021, may not be shorter than the longer of—

(A) the length established pursuant to subsection (a); or

(B) four years.

(2) WAIVER.—

(A) IN GENERAL.—The Secretary of the military department concerned, in coordination with the Director of the Defense Health Agency, may authorize a tour of duty of an individual as a commander or director of a military treatment facility of a shorter length than is otherwise provided for in paragraph (1) if the Secretary determines, in the discretion of the Secretary, that there is good cause for a tour of duty in such position of shorter length.

(B) CASE-BY-CASE BASIS.—Any determination under subparagraph (A) shall be made on a case-by-case basis.

#### **SEC. 714. EXPANSION OF STRATEGY TO IMPROVE ACQUISITION OF MANAGED CARE SUPPORT CONTRACTS UNDER TRICARE PROGRAM.**

Section 705(c)(1) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 1073a note) is

amended, in the matter preceding subparagraph (A), by striking “, other than overseas medical support contracts”.

**SEC. 715. ESTABLISHMENT OF REGIONAL MEDICAL HUBS TO SUPPORT COMBATANT COMMANDS.**

(a) **IN GENERAL.**—The Secretary of Defense shall establish not more than four regional medical hubs, consistent with the defense health regions established under section 712 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), to support operational medical requirements of the combatant commands.

(b) **TIMING.**—Establishment of regional medical hubs under subsection (a) shall commence not later than October 1, 2020, and shall be completed not later than October 1, 2022.

(c) **LEADERSHIP.**—Each regional medical hub established under subsection (a) shall be led by a commander or director who is a member of the Armed Forces serving in a grade not higher than major general or rear admiral and who shall be—

(1) selected by the Director of the Defense Health Agency from among members of the Armed Forces recommended by the military departments for service in such position; and

(2) under the authority, direction, and control of the Director while serving in such position.

(d) **DESIGNATION OF PRIMARY CENTER.**—

(1) **IN GENERAL.**—Each regional medical hub established under subsection (a) shall include a major military medical center designated by the Secretary to serve as the primary center for the provision of specialized medical services in that region.

(2) **CAPABILITIES.**—A major military medical center may not be designated under paragraph (1) unless the center—

(A) includes one or more large graduate medical education training platforms; and

(B) provides, at a minimum, role 4 medical care.

(3) **LOCATION.**—

(A) **IN GENERAL.**—Any major military medical center designated under paragraph (1) shall be geographically located so as to maximize the support provided by uniformed medical resources to the combatant commands.

(B) **COLLOCATION WITH MAJOR AERIAL DEBARKATION POINTS.**—In designating major military medical centers under paragraph (1), the Secretary shall give consideration to the collocation of such centers with major aerial debarkation points of patients in the medical evacuation system of the United States Transportation Command.

(4) **MAJOR HEALTH CARE DELIVERY PLATFORM.**—A major military medical center designated under paragraph (1) shall serve as the major health care delivery platform for the provision of complex specialized medical care in the region, whether through patient referrals from other military medical treatment facilities or through referrals from either civilian medical facilities or healthcare facilities of the Department of Veterans Affairs.

(e) **ADDITIONAL MILITARY MEDICAL CENTERS.**—Consistent with section 1073d of title 10, United States Code, the Secretary, in establishing regional medical hubs under subsection (a), may establish additional military medical centers in the following locations:

(1) Locations with large beneficiary populations.

(2) Locations that serve as the primary readiness platforms of the Armed Forces.

(f) **PATIENT REFERRALS AND COORDINATION.**—In implementing the regional medical hubs established under subsection (a), the Director of the Defense Health Agency shall ensure effective and efficient medical care

referrals and coordination among military medical treatment facilities and among local or regional high-performing health systems through local or regional partnerships with institutional or individual civilian providers.

**SEC. 716. MONITORING OF ADVERSE EVENT DATA ON DIETARY SUPPLEMENT USE BY MEMBERS OF THE ARMED FORCES.**

(a) **IN GENERAL.**—The Secretary of Defense shall modify the electronic health record system of the military health system to include data regarding the use by members of the Armed Forces of dietary supplements and adverse events with respect to dietary supplements.

(b) **REQUIREMENTS.**—The modifications required by subsection (a) shall ensure that the electronic health record system of the military health system—

(1) records adverse event report data regarding dietary supplement use by members of the Armed Forces;

(2) generates standard reports on adverse event data that can be aggregated for analysis;

(3) issues automated alerts to signal a significant change in adverse event reporting or to signal a risk of interaction with a medication or other treatment; and

(4) provides for reporting of adverse event report data regarding dietary supplement use by members of the Armed Forces to the Food and Drug Administration.

(c) **OUTREACH.**—The Secretary shall conduct outreach to health care providers in the military health system to educate such providers on the importance of entering adverse event report data regarding dietary supplement use by members of the Armed Forces into the electronic health record system of the military health system and reporting such data to the Food and Drug Administration.

(d) **DEFINITIONS.**—In this section:

(1) **ADVERSE EVENT.**—The term “adverse event” has the meaning given that term in section 761(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379aa–1(a)).

(2) **DIETARY SUPPLEMENT.**—The term “dietary supplement” has the meaning given that term in section 201(ff) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(ff)).

**SEC. 717. ENHANCEMENT OF RECORDKEEPING WITH RESPECT TO EXPOSURE BY MEMBERS OF THE ARMED FORCES TO CERTAIN OCCUPATIONAL AND ENVIRONMENTAL HAZARDS WHILE DEPLOYED OVERSEAS.**

(a) **INCLUSION IN MEDICAL TRACKING SYSTEM OF OCCUPATIONAL AND ENVIRONMENTAL HEALTH RISKS IN DEPLOYMENT AREA.**—

(1) **ELEMENTS OF MEDICAL TRACKING SYSTEM.**—Subsection (b)(1)(A) of section 1074f of title 10, United States Code, is amended—

(A) in clause (ii), by striking “and” at the end;

(B) in clause (iii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new clause:

“(iv) accurately record any exposure to occupational and environmental health risks during the course of their deployment.”.

(2) **RECORDKEEPING.**—Subsection (c) of such section is amended by inserting after “deployment area” the following: “(including the results of any assessment performed by the Secretary of occupational and environmental health risks for such area)”.

(b) **POSTDEPLOYMENT MEDICAL EXAMINATION AND REASSESSMENTS.**—Section 1074f of title 10, United States Code, as amended by subsection (a), is further amended by adding at the end the following new subsection:

“(g) **ADDITIONAL REQUIREMENTS FOR POSTDEPLOYMENT MEDICAL EXAMINATIONS AND HEALTH REASSESSMENTS.**—(1) The Sec-

retary of Defense shall standardize and make available to a provider that conducts a postdeployment medical examination or reassessment under the system described in subsection (a) questions relating to occupational and environmental health exposure.

“(2) The Secretary, to the extent practicable, shall ensure that the medical record of a member includes information on the external cause relating to a diagnosis of the member, including by associating an external cause code (as issued under the International Statistical Classification of Diseases and Related Health Problems, 10th Revision (or any successor revision)).”.

(c) **ACCESS TO INFORMATION IN BURN PIT REGISTRY.**—

(1) **IN GENERAL.**—The Secretary of Defense shall ensure that all medical personnel of the Department of Defense have access to the information contained in the burn pit registry.

(2) **BURN PIT REGISTRY DEFINED.**—In this subsection, the term “burn pit registry” means the registry established under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

**Subtitle C—Reports and Other Matters**

**SEC. 721. EXTENSION AND CLARIFICATION OF AUTHORITY FOR JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND.**

Title XVII of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2567) is amended—

(1) in section 1701(a)—

(A) by striking “Subject to subsection (b), the” and inserting “The”;

(B) by striking subsection (b); and

(C) by redesignating subsections (c) through (f) as subsections (b) through (e), respectively;

(2) in section 1702(a)(1), by striking “hereafter in this title” and inserting “in this section”;

(3) in section 1703, in subsections (a) and (c), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”;

(4) in section 1704—

(A) in subsections (a)(3), (a)(4)(A), and (b)(1), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center”; and

(B) in subsection (e), as most recently amended by section 731 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), by striking “September 30, 2020” and inserting “September 30, 2021”;

(5) in section 1705—

(A) in subsection (a), by striking “the facility” and inserting “the James A. Lovell Federal Health Care Center (in this section referred to as the ‘JALFHCC’)”;

(B) in subsection (b), in the matter preceding paragraph (1), by striking “the facility” and inserting “the JALFHCC”; and

(C) in subsection (c)—

(i) by striking “the facility” each place it appears and inserting “the JALFHCC”; and

(ii) by adding at the end the following new paragraph:

“(4) To permit the JALFHCC to enter into personal services contracts to carry out health care responsibilities in the JALFHCC to the same extent and subject to the same conditions and limitations as apply under section 1091 of title 10, United States Code, to the Secretary of Defense with respect to health care responsibilities in medical treatment facilities of the Department of Defense.”.

**SEC. 722. APPOINTMENT OF NON-EX OFFICIO MEMBERS OF THE HENRY M. JACKSON FOUNDATION FOR THE ADVANCEMENT OF MILITARY MEDICINE.**

(a) APPOINTMENT BY NON-EX OFFICIO MEMBERS.—Subparagraph (C) of paragraph (1) of section 178(c) of title 10, United States Code, is amended to read as follows:

“(C) six members, each of whom shall be appointed at the expiration of the term of a member appointed under this subparagraph, as provided for in paragraph (2), by the members currently serving on the Council pursuant to this subparagraph and paragraph (2), including the member whose expiring term is so being filled by such appointment.”.

(b) REPEAL OF OBSOLETE AUTHORITY ESTABLISHING STAGGERED TERMS.—Paragraph (2) of such section is amended—

(1) by striking “except that—” and all that follows through “any person” and inserting “except that any person”;

(2) by striking “; and” and inserting a period; and

(3) by striking subparagraph (B).

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on the date of the enactment of this Act.

(2) CONSTRUCTION FOR CURRENT MEMBERS.—Nothing in the amendments made by this section shall be construed to terminate or otherwise alter the appointment or term of service of members of the Henry M. Jackson Foundation for the Advancement of Military Medicine who are so serving on the date of the enactment of this Act pursuant to an appointment under paragraph (1)(C) or (2) of section 178(c) of title 10, United States Code, made before that date.

**SEC. 723. OFFICERS AUTHORIZED TO COMMAND ARMY DENTAL UNITS.**

Section 7081(d) of title 10, United States Code, is amended by striking “Dental Corps Officer” and inserting “Army Medical Department Officer”.

**SEC. 724. ESTABLISHMENT OF ACADEMIC HEALTH SYSTEM IN NATIONAL CAPITAL REGION.**

(a) IN GENERAL.—Chapter 104 of title 10, United States Code, is amended by inserting after section 2113a the following new section:

**“§ 2113b. Academic Health System**

“(a) IN GENERAL.—The Secretary of Defense may establish an Academic Health System to integrate the health care, health professions education, and health research activities of the military health system, including under this chapter, in the National Capital Region.

“(b) LEADERSHIP.—(1) The Secretary may appoint employees of the Department of Defense to leadership positions in the Academic Health System established under subsection (a).

“(2) Such positions may include responsibilities for management of the health care, health professions education, and health research activities described in subsection (a) and are in addition to similar leadership positions for members of the armed forces.

“(c) ADMINISTRATION.—The Secretary may use such authorities under this chapter relating to the health care, health professions education, and health research activities of the military health system as the Secretary considers appropriate for the administration of the Academic Health System established under subsection (a).

“(d) NATIONAL CAPITAL REGION DEFINED.—In this section, the term ‘National Capital Region’ means the area, or portion thereof, as determined by the Secretary, in the vicinity of the District of Columbia.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 104 of such title is amended by inserting after the

item relating to section 2113a the following new item:

“2113b. Academic Health System.”.

**SEC. 725. PROVISION OF VETERINARY SERVICES BY VETERINARY PROFESSIONALS OF THE DEPARTMENT OF DEFENSE IN EMERGENCIES.**

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 1060c. Provision of veterinary services in emergencies**

“(a) IN GENERAL.—A veterinary professional described in subsection (b) may provide veterinary services for the purposes described in subsection (c) in any State, the District of Columbia, or a territory or possession of the United States, without regard to where such veterinary professional or the patient animal are located, if the provision of such services is within the scope of the authorized duties of such veterinary professional for the Department of Defense.

“(b) VETERINARY PROFESSIONAL DESCRIBED.—A veterinary professional described in this subsection is an individual who is—

“(1)(A) a member of the armed forces, a civilian employee of the Department of Defense, or otherwise credentialed and privileged at a Federal veterinary institution or location designated by the Secretary of Defense for purposes of this section; or

“(B) a member of the National Guard performing training or duty under section 502(f) of title 32;

“(2) certified as a veterinary professional by a certification recognized by the Secretary of Defense; and

“(3) currently licensed by a State, the District of Columbia, or a territory or possession of the United States to provide veterinary services.

“(c) PURPOSES DESCRIBED.—The purposes described in this subsection are veterinary services in response to any of the following:

“(1) A national emergency declared by the President pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

“(2) A major disaster or an emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)).

“(3) A public health emergency declared by the Secretary of Health and Human Services under section 319 of the Public Health Service Act (42 U.S.C. 247d).

“(4) An extraordinary emergency, as determined by the Secretary of Agriculture under section 10407(b) of the Animal Health Protection Act (7 U.S.C. 8306(b)).”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 53 of such title is amended by inserting after the item relating to section 1060b the following new item:

“1060c. Provision of veterinary services in emergencies.”.

**SEC. 726. FIVE-YEAR EXTENSION OF AUTHORITY TO CONTINUE THE DOD-VA HEALTH CARE SHARING INCENTIVE FUND.**

Section 8111(d)(3) of title 38, United States Code, is amended by striking “September 30, 2020” and inserting, “September 30, 2025”.

**SEC. 727. PILOT PROGRAM ON CIVILIAN AND MILITARY PARTNERSHIPS TO ENHANCE INTEROPERABILITY AND MEDICAL SURGE CAPABILITY AND CAPACITY OF NATIONAL DISASTER MEDICAL SYSTEM.**

(a) IN GENERAL.—The Secretary of Defense may carry out a pilot program to establish partnerships with public, private, and non-profit health care organizations, institutions, and entities in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary

of Homeland Security, and the Secretary of Transportation to enhance the interoperability and medical surge capability and capacity of the National Disaster Medical System under section 2812 of the Public Health Service Act (42 U.S.C. 300hh-11) in the vicinity of major aeromedical transport hubs of the Department of Defense.

(b) DURATION.—The Secretary of Defense may carry out the pilot program under subsection (a) for a period of not more than five years.

(c) LOCATIONS.—The Secretary shall carry out the pilot program under subsection (a) at not fewer than five aeromedical transport hub regions in the United States.

(d) REQUIREMENTS.—In establishing partnerships under the pilot program under subsection (a), the Secretary, in collaboration with the Secretary of Veterans Affairs, the Secretary of Health and Human Services, the Secretary of Homeland Security, and the Secretary of Transportation, shall establish requirements under such partnerships for staffing, specialized training, medical logistics, telemedicine, patient regulating, movement, situational status reporting, tracking, and surveillance.

(e) EVALUATION METRICS.—The Secretary of Defense shall establish metrics to evaluate the effectiveness of the pilot program under subsection (a).

(f) REPORTS.—

(1) INITIAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after the commencement of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A description of the pilot program.

(ii) The requirements established under subsection (d).

(iii) The evaluation metrics established under subsection (e).

(iv) Such other matters relating to the pilot program as the Secretary considers appropriate.

(2) FINAL REPORT.—

(A) IN GENERAL.—Not later than 180 days after completion of the pilot program under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the pilot program.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) A description of the pilot program, including the partnerships established under the pilot program as described in subsection (a).

(ii) An assessment of the effectiveness of the pilot program.

(iii) Such recommendations for legislative or administrative action as the Secretary considers appropriate in light of the pilot program, including recommendations for extending or making permanent the authority for the pilot program.

**SEC. 728. MODIFICATION OF REQUIREMENTS FOR LONGITUDINAL MEDICAL STUDY ON BLAST PRESSURE EXPOSURE OF MEMBERS OF THE ARMED FORCES.**

Section 734 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1444) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking “; and” and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following new paragraph:

“(4) assess the feasibility and advisability of—

“(A) uploading the data gathered from the study into the Defense Occupational and Environmental Health Readiness System – Industrial Hygiene (DOEHRHS-IH) or similar system; and

“(B) allowing personnel of the Department of Defense and the Department of Veterans Affairs to have access to such system.”; and

(2) in subsection (c)—

(A) by redesignating paragraph (2) as paragraph (3); and

(B) by inserting after paragraph (1) the following new paragraph (2):

“(2) ANNUAL STATUS REPORT.—Not later than January 1 of each year during the period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 and ending on the completion of the study under subsection (a), the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a status report on the study.”.

#### **TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

##### **Subtitle A—Contracting and Acquisition Provisions**

#### **SEC. 801. PILOT PROGRAM ON INTELLECTUAL PROPERTY EVALUATION FOR ACQUISITION PROGRAMS.**

(a) PILOT PROGRAM.—Not later than 180 days after the date of the enactment of this act, the Secretary of Defense and the Secretaries of the military departments may jointly carry out a pilot program to assess mechanisms to evaluate intellectual property, such as technical data deliverables and associated license rights, including commercially available intellectual property valuation analysis and techniques, in acquisition programs for which they are responsible to better understand the benefits associated with these techniques on—

(1) the development of cost-effective intellectual property strategies; and

(2) assessment and management of the value and costs of intellectual property during acquisition and sustainment activities (including source selection evaluation factors) throughout the acquisition lifecycle for any acquisition program selected by the Secretary concerned.

(b) ACTIVITIES.—Activities carried out under the pilot program may include the following:

(1) Establishing a team of Department of Defense and private sector subject matter experts to identify, to the maximum extent practicable at each milestone for a selected acquisition programs, intellectual property evaluation techniques to obtain quantitative and qualitative analysis related to the value of intellectual property during the procurement, production and deployment, and operations and support phases of the acquisition of the systems under the program.

(2) Assessment of commercial valuation techniques for intellectual property for use by the Department of Defense.

(3) Assessment of the feasibility of agency-level oversight to standardize intellectual property evaluation practices and procedures.

(4) Assessment of contracting mechanisms to speed delivery of intellectual property to the Armed Forces or reduce sustainment costs.

(5) Assessment of agency acquisition planning to ensure procurement of intellectual property deliverables and intellectual property rights necessary for Government-planned sustainment activities.

(6) Engagement with the commercial industry to—

(A) support the development of strategies and program requirements to aid in acquisi-

tion and transition planning for intellectual property;

(B) support the development and improvement of intellectual property strategies as part of life-cycle sustainment plans; and

(C) propose and implement alternative and innovative methods of intellectual property valuation, prioritization, and evaluation techniques for intellectual property.

(7) Recommending to the cognizant program manager for an acquisition program evaluation techniques and contracting mechanisms for implementation into the acquisition and sustainment activities of that acquisition program.

(c) ACQUISITION OF COMMERCIAL AND NON-DEVELOPMENTAL ITEMS, PRODUCTS, AND SERVICES.—The pilot program shall provide criteria to ensure the appropriate consideration of commercial items and non-developmental items as alternatives to items to be specifically developed for the acquisition program, including evaluation of the benefits of reduced risk regarding cost, schedule, and performance associated with commercial and non-developmental items, products, and services.

(d) ASSESSMENTS.—Not later than November 1, 2020, and annually thereafter through 2023, the Secretary of Defense, in coordination with the Secretaries concerned, shall submit to the congressional defense committees a joint report on the pilot program conducted under this section. The report shall, at a minimum, include—

(1) a description of the acquisition programs selected by the Secretary concerned;

(2) a description of the specific activities in paragraph (b) that were performed under each program;

(3) an assessment of the effectiveness of the activities;

(4) an assessment of improvements to acquisition or sustainment activities related to the pilot program; and

(5) an assessment of cost-savings from the activities related to the pilot program, including any improvement to mission success during the operations and support phase of the program.

#### **SEC. 802. PILOT PROGRAM TO USE ALPHA CONTRACTING TEAMS FOR COMPLEX REQUIREMENTS.**

(a) IN GENERAL.—(1) The Secretary of Defense shall select at least 2, and up to 5, initiatives to participate in a pilot to use teams that, with the advice of expert third parties, focus on the development of complex contract technical requirements for services, with each team focusing on developing achievable technical requirements that are appropriately valued and identifying the most effective acquisition strategy to achieve those requirements.

(2) The Secretary shall develop metrics for tracking progress of the program at improving quality and acquisition cycle time.

(b) DEVELOPMENT OF CRITERIA AND INITIATIVES.—(1) Not later than February 1, 2020, the Secretary of Defense shall establish the pilot program and notify the congressional defense committees of the criteria used to select initiatives and the metrics used to track progress.

(2) Not later than May 1, 2020, the Secretary shall notify the congressional defense committees of the initiatives selected for the program.

(3) Not later than December 1, 2020, the Secretary shall brief the congressional defense committees on the progress of the selected initiatives, including the progress of the initiatives at improving quality and acquisition cycle time according to the metrics developed under subsection (a)(2).

#### **SEC. 803. MODIFICATION OF WRITTEN APPROVAL REQUIREMENT FOR TASK AND DELIVERY ORDER SINGLE CONTRACT AWARDS.**

Section 2304a(d)(3) of title 10, United States Code, is amended—

(1) in subparagraph (B), by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(2) by redesignating subparagraphs (A), (B), (C), and (D) as clauses (i), (ii), (iii), and (iv), respectively;

(3) by striking “No task or delivery order contract” and inserting “(A) Except as provided under subparagraph (B), no task or delivery order contract”; and

(4) by adding at the end the following new subparagraph:

“(B) A task or delivery order contract in an amount estimated to exceed \$100,000,000 (including all options) may be awarded to a single source without the written determination otherwise required under subparagraph (A) if the head of the agency has made a written determination pursuant to section 2304(c) of this title that other than competitive procedures may be used for the awarding of such contract.”.

#### **SEC. 804. EXTENSION OF AUTHORITY TO ACQUIRE PRODUCTS AND SERVICES PRODUCED IN COUNTRIES ALONG A MAJOR ROUTE OF SUPPLY TO AFGHANISTAN.**

Section 801(f) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2399), as most recently amended by section 1214 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1649), is further amended by striking “December 31, 2019” and inserting “December 31, 2021”.

#### **SEC. 805. MODIFICATION OF DIRECTOR OF OPERATIONAL TEST AND EVALUATION REPORT.**

Section 139(h)(5) of title 10, United States Code, is amended to read as follows:

“(5) The Director shall solicit comments from the Secretaries of the military departments on each report of the Director to Congress under this section and summarize the comments in the report. The Director shall determine the amount of time available for the Secretaries to comment on the draft report on a case by case basis, and consider the extent to which substantive discussions have already been held between the Director and the military department. The Director shall reserve the right to issue the report without comment from a military department if the department's comments are not received within the time provided, and shall indicate any such omission in the report.”.

#### **SEC. 806. DEPARTMENT OF DEFENSE USE OF FIXED-PRICE CONTRACTS.**

(a) DEPARTMENT OF DEFENSE REVIEW.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment shall review how the Department of Defense informs decisions to use fixed-price contracts to support broader acquisition objectives, to ensure that such decisions are made strategically and consistently. The review should include decisions on the use of the various types of fixed price contracts, including fixed-price incentive contracts.

(2) BRIEFING.—Not later than February 1, 2020, the Under Secretary shall brief the congressional defense committees on the findings of the review required under paragraph (1).

(b) COMPTROLLER GENERAL REPORT.—

(1) IN GENERAL.—Not later than February 1, 2021, the Comptroller General of the United States shall submit to the congressional defense committees a report on the Department of Defense's use of fixed-price contracts, including different types of fixed-price contracts.



(2) ELEMENTS.—The report required under paragraph (1) shall include the following elements:

(A) A description of the extent to which fixed-price contracts have been used over time and the conditions in which they are used.

(B) An assessment of the effects of the decisions to use of fixed-price contract types, such as any additional costs or savings or efficiencies in contract administration.

(C) An assessment of how decisions to use various types of fixed-price contracts affects the contract closeout process.

(c) DELAYED IMPLEMENTATION OF REGULATIONS REQUIRING THE USE OF FIXED-PRICE CONTRACTS FOR FOREIGN MILITARY SALES.—The regulations prescribed pursuant to section 830(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 22 U.S.C. 2762 note) shall not take effect until December 31, 2020. The regulations as so prescribed shall take into account the findings of the review conducted under subsection (a)(1).

**SEC. 807. PILOT PROGRAM TO ACCELERATE CONTRACTING AND PRICING PROCESSES.**

Section 890 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

- (1) by striking subsection (b);
- (2) by redesignating subsections (c) and (d) as subsections (b) and (c), respectively;
- (3) in subsection (b), as redesignated by paragraph (2), by striking “and an assessment of whether the program should be continued or expanded”; and
- (4) in subsection (c), as so redesignated, by striking “January 2, 2021” and inserting “January 2, 2023”.

**SEC. 808. PILOT PROGRAM TO STREAMLINE DECISION-MAKING PROCESSES FOR WEAPON SYSTEMS.**

(a) CANDIDATE ACQUISITION PROGRAMS.—

(1) IN GENERAL.—Not later than February 1, 2020, each Service Acquisition Executive shall recommend to the Secretary of Defense at least one major defense acquisition program for a pilot program to include tailored measures to streamline the entire milestone decision process, with the results evaluated and reported for potential wider use.

(2) ELEMENTS.—Each pilot program selected pursuant to paragraph (1) shall include the following elements:

(A) Delineating the appropriate information needed to support milestone decisions, assuring program accountability and oversight, which should be based on the business case principles needed for well-informed milestone decisions, including user-defined requirements, reasonable acquisition and life-cycle cost estimates, and a knowledge-based acquisition plan for maturing technologies, stabilizing the program design, and ensuring key manufacturing processes are in control.

(B) Developing an efficient process for providing this information to the milestone decision authority by—

- (i) minimizing any reviews between the program office and the different functional staff offices within each chain of command level; and
- (ii) establishing frequent, regular interaction between the program office and milestone decision makers, in lieu of documentation reviews, to help expedite the process.

(b) BRIEFING.—Not later than May 1, 2020, the Under Secretary of Defense for Acquisition and Sustainment shall provide to the congressional defense committees an informal briefing detailing—

- (1) the acquisition programs selected pursuant to subsection (a);
- (2) the associated action plans, including timelines, for each program; and

(3) the manner in which each program conforms to the requirements set forth in subsection (a)(2).

**SEC. 809. DOCUMENTATION OF MARKET RESEARCH RELATED TO COMMERCIAL ITEM DETERMINATIONS.**

(a) IN GENERAL.—Section 2377(c) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph:

“(4) The head of an agency shall document the results of market research in a manner appropriate to the size and complexity of the acquisition.”.

(b) CONFORMING AMENDMENT RELATED TO PROSPECTIVE AMENDMENT.—Section 836(d)(3)(C)(ii) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended by striking “in paragraph (4)” and inserting “in paragraph (5)”.

**SEC. 810. MODIFICATION TO SMALL PURCHASE THRESHOLD EXCEPTION TO SOURCING REQUIREMENTS FOR CERTAIN ARTICLES.**

Subsection (h) of section 2533a of title 10, United States Code, is amended to read as follows:

“(h) EXCEPTION FOR SMALL PURCHASES.—Subsection (a) does not apply to purchases for amounts not greater than \$150,000. A proposed purchase or contract for an amount greater than \$150,000 may not be divided into several purchases or contracts for lesser amounts in order to qualify for this exception. On October 1 of each year evenly divisible by 5, the Secretary of Defense may adjust the dollar threshold in this subsection based on changes in the Consumer Price Index. The Secretary shall publish notice of any such adjustment in the Federal Register, and the new price threshold shall take effect on the date of publication.”.

**Subtitle B—Provisions Relating to Major Defense Acquisition Programs**

**SEC. 821. NAVAL VESSEL CERTIFICATION REQUIRED BEFORE MILESTONE B APPROVAL.**

Section 2366b(a) of title 10, United States Code, is amended—

(1) in paragraph (3)(O), by striking “; and” and inserting a semicolon;

(2) in paragraph (4), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new paragraph:

“(5) in the case of a naval vessel program, certifies compliance with the requirements of section 8669b of this title.”.

**Subtitle C—Industrial Base Matters**

**SEC. 831. MODERNIZATION OF ACQUISITION PROCESSES TO ENSURE INTEGRITY OF INDUSTRIAL BASE.**

(a) DIGITIZATION AND MODERNIZATION.—The Secretary of Defense shall streamline and digitize the existing Department of Defense approach for identifying and mitigating risks to the defense industrial base across the acquisition process, creating a continuous model that uses digital tools, technologies, and approaches designed to ensure the accessibility of data to key decision-makers in the Department.

(b) ANALYTICAL FRAMEWORK.—

(1) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in coordination with the Defense Security Service (or successor entity) and other organizations as appropriate, shall develop an analytical framework for risk mitigation across the acquisition process.

(2) ELEMENTS.—The analytical framework required under paragraph (1) shall include the following elements:

(A) Characterization and monitoring of supply chain risks, including—

- (i) material sources and fragility;
- (ii) counterfeit parts;
- (iii) cybersecurity of contractors;
- (iv) vendor vetting in contingency or operational environments; and
- (v) other risk areas as determined appropriate.

(B) Characterization and monitoring of risks posed by contractor behavior that constitute violations of laws or regulations, including those relating to—

- (i) fraud;
- (ii) ownership structures;
- (iii) trafficking in persons;
- (iv) workers' health and safety;
- (v) affiliation with the enemy; and
- (vi) other risk areas as deemed appropriate.

(C) Characterization of the Department's acquisition processes and procedures, including—

- (i) market research;
- (ii) responsibility determinations, including consideration of the need for special standards of responsibility to address the risks described in subparagraphs (A) and (B);
- (iii) facilities clearances;
- (iv) contract requirements definition and technical evaluation;
- (v) contract awards and contractor mobilization;
- (vi) contractor mobilization to include hiring, training, and establishing facilities;
- (vii) contract administration, contract management, and oversight;
- (viii) contract audit for closeout;
- (ix) contractor business system reviews; and
- (x) other relevant processes and procedures.

(D) Characterization and monitoring of the health and activities of the defense industrial base, including those relating to—

- (i) balance sheets, revenues, profitability, and debt;
- (ii) investment, innovation, and technological and manufacturing sophistication;
- (iii) finances, access to capital markets, and cost of raising capital within those markets;
- (iv) corporate governance, leadership, and culture of performance; and
- (v) history of performance on past Department of Defense and government contracts.

(c) ROLES AND RESPONSIBILITIES.—The Secretary of Defense shall designate the roles and responsibilities of organizations and individuals to execute activities under this section, including—

(1) the Under Secretary of Defense for Acquisition and Sustainment, including the Office of Defense Pricing and Contracting and the Office of Industrial Policy;

(2) Service Acquisition Executives;

(3) program offices and procuring contracting officers;

(4) administrative contracting officers within the Defense Contract Management Agency and the Supervisor of Shipbuilding;

(5) the Defense Security Service and the Defense Counterintelligence Security Agency;

(6) the Defense Contract Audit Agency;

(7) departments, agencies, or activities which own or operate systems containing data relevant to Department of Defense contractors; and

(8) the Under Secretary for Research and Engineering; and

(9) other relevant organizations and individuals.

(d) ENABLING DATA, TOOLS, AND SYSTEMS.—

(1) ASSESSMENT OF EXISTING DATA SOURCES, SYSTEMS, AND TOOLS.—

(A) IN GENERAL.—The Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Chief Data Officer of the Department of Defense, and the Defense

Security Service (or successor entity), shall assess the extent to which existing systems of record relevant to risk assessments and contracting are producing, exposing, and timely maintaining valid and reliable data for the purposes of the Department's continuous assessment and mitigation of risks in the defense industrial base.

(B) ELEMENTS.—The assessment required under subparagraph (A) shall include the following elements:

(i) Identification of the necessary source data, to include data from contractors, intelligence and security activities, program offices, and commercial research entities.

(ii) A description of the modern data infrastructure, tools, and applications and what changes would improve the effectiveness and efficiency of mitigating the risks described in subsection (b)(2).

(iii) An assessment of the following systems owned or operated outside of the Department of Defense:

(I) The Federal Awardee Performance and Integrity Information System (FAPIIS).

(II) The System for Award Management (SAM).

(III) The Federal Procurement Data System—Next Generation (FPDS-NG).

(iv) An assessment of systems owned or operated by the Department of Defense, including the Defense Security Service (or successor entity) and other defense agencies and field activities used to capture and analyze the performance of vendors and contractors.

(2) MODERNIZATION OF DATA COLLECTION, EXPOSURE, AND ANALYSIS METHODS.—Based on the findings pursuant to paragraph (1), the Secretary of Defense shall develop a unified set of activities to modernize the systems of record, data sources and collection methods, and data exposure mechanisms. The unified set of activities should feature—

(A) the ability to continuously collect data on, assess, and mitigate risks;

(B) data analytics and business intelligence tools and methods; and

(C) continuous development and continuous delivery of secure software to implement the activities.

(e) REPORTS.—

(1) INITIAL REPORT.—Not later than November 15, 2019, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section, including recommendations for any further authorities or legislation.

(2) SECOND REPORT.—Not later than April 15, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on actions taken pursuant to this section, including recommendations for any further legislation.

(f) COMPTROLLER GENERAL REVIEWS.—

(1) BRIEFING.—Not later than February 15, 2020, the Comptroller General of the United States shall brief the congressional defense committees on Department of Defense efforts over the previous 5 years to continuously assess and mitigate risks to the defense industrial base across the acquisition process, and a summary of current and planned efforts.

(2) ANNUAL ASSESSMENTS.—Not later than June 15, 2020, and annually thereafter, the Comptroller General of the United States shall submit to the congressional defense committees an assessment of Department of Defense progress in implementing the framework required under subsection (b).

#### **SEC. 832. ASSESSMENT OF PRECISION-GUIDED MISSILES FOR RELIANCE ON FOREIGN-MADE MICROELECTRONIC COMPONENTS.**

(a) IN GENERAL.—Not later than August 31, 2020, the Secretary of the Air Force shall brief the congressional defense committees on the findings of an assessment of the Air

Force's precision-guided missiles for reliance on foreign-made microelectronic components.

(b) ELEMENTS.—The assessment required under subsection (a) shall—

(1) consider certain risks such as—

(A) where microelectronic components for all of the Air Force's precision-guided missiles currently in production were made;

(B) the contract tier level of the microelectronic components supplier; and

(C) which of the microelectronic components are cyber security concerns; and

(2) identify mitigation strategies.

#### **SEC. 833. MITIGATING RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE OF DEPARTMENT OF DEFENSE CONTRACTORS OR SUBCONTRACTORS.**

(a) DEFINITIONS.—In this section:

(1) BENEFICIAL OWNER; BENEFICIAL OWNERSHIP.—The terms “beneficial owner” and “beneficial ownership” shall be determined in the manner set forth in section 240.13d-3 of title 17, Code of Federal Regulations.

(2) COMPANY.—The term “company” means any corporation, company, limited liability company, limited partnership, business trust, business association, or other similar entity.

(3) COVERED CONTRACTOR OR SUBCONTRACTOR.—The term “covered contractor or subcontractor” means a company that is an existing or prospective contractor or subcontractor of the Department of Defense on a contract or subcontract with a value in excess of \$5,000,000, except as provided in subsection (c).

(4) FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE; FOCI.—The terms “foreign ownership, control, or influence” and “FOCI” have the meanings given those terms under the policy, factors, and procedures of the National Industrial Security Program Operating Manual, DOD 5220.22-M, or a successor document.

(b) IMPROVED ASSESSMENT AND MITIGATION OF RISKS RELATED TO FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE.—

(1) IN GENERAL.—In developing and implementing the analytical framework for mitigating risk relating to ownership structures, as required by section 831(b)(2)(B)(ii), the Secretary of Defense shall improve the process and procedures for the assessment and mitigation of risks related to foreign ownership, control, or influence (FOCI) of contractors and subcontractors doing business with the Department of Defense.

(2) ELEMENTS.—The process and procedures for the assessment and mitigation of risk relating to ownership structures referred to in paragraph (1) shall include the following elements:

(A) ASSESSMENT OF FOCI.—(i) A requirement for covered contractors and subcontractors to disclose to the Defense Security Service, or its successor organization, their beneficial ownership and whether they are under FOCI.

(ii) A requirement to update such disclosures when significant changes occur to information previously provided, consistent with or similar to the procedures for updating FOCI information under the National Industrial Security Program.

(iii) A requirement for covered contractors and subcontractors determined to be under FOCI to disclose contact information for each of its foreign owners that is a beneficial owner.

(iv) A requirement that, at a minimum, the disclosures required by this paragraph be provided at the time the contract or subcontract is awarded, amended, or renewed, but in no case later than one year after the Secretary prescribes regulations to carry out this subsection.

(B) RESPONSIBILITY DETERMINATION.—Consistent with section 831(b)(2)(C)(ii), consider-

ation of FOCI risks as part of responsibility determinations, including—

(i) whether to establish a special standard of responsibility relating to FOCI risks for covered contractors or subcontractors, and the extent to which the policies and procedures consistent with or similar to those relating to FOCI under the National Industrial Security Program shall be applied to covered contractors or subcontractors;

(ii) procedures for contracting officers making responsibility determinations regarding whether covered contractors and subcontractors may be under foreign ownership, control, or influence and for determining whether there is reason to believe that such foreign ownership, control, or influence would pose a risk to national security or potential risk of compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems involved with the contract or subcontract; and

(iii) modification of policies, directives, and practices to provide that an assessment that a covered contractor or subcontractor is under FOCI may be a sufficient basis for a contracting officer to determine that a contractor or subcontractor is not responsible.

(C) CONTRACT REQUIREMENTS, ADMINISTRATION, AND OVERSIGHT RELATING TO FOCI.—

(i) Requirements for contract clauses providing for and enforcing disclosures related to changes in FOCI during performance of the contract, consistent with subparagraph (A), and necessitating the effective mitigation of risks related to FOCI throughout the duration of the contract or subcontract.

(ii) Pursuant to section 831(c), designation of the appropriate Department of Defense official responsible to approve and to take actions relating to award, modification, termination of a contract, or direction to modify or terminate a subcontract due to an assessment by the Defense Security Service, or its successor organization, that a covered contractor or subcontractor under FOCI poses a risk to national security or potential risk of compromise.

(iii) A requirement for the provision of additional information regarding beneficial ownership and control of any covered contractor or subcontractor on the contract or subcontract.

(iv) Other measures as necessary to be consistent with other relevant practices, policies, regulations, and actions, including those under the National Industrial Security Program.

(c) APPLICABILITY TO CONTRACTS AND SUBCONTRACTS FOR COMMERCIAL PRODUCTS AND SERVICES AND OTHER FORMS OF ACQUISITION AGREEMENTS.—

(1) COMMERCIAL PRODUCTS AND SERVICES.—The disclosure requirements under subsection (b) shall not apply to a contract or subcontract for commercial products or services, unless a designated senior official specifically requires the disclosures described in such subparagraphs with respect to the contract or subcontract based on a determination by the designated senior official that the contract or subcontract involves a risk to national security or potential risk of compromise because of sensitive data, systems, or processes, such as personally identifiable information, cybersecurity, or national security systems.

(2) RESEARCH AND DEVELOPMENT AND PROCUREMENT ACTIVITIES.—The Secretary of Defense shall ensure that the requirements of this section are applied to research and development and procurement activities, including for the delivery of services, established through any means including those under section 2358(b) of title 10, United States Code.

(d) AVAILABILITY OF RESOURCES.—The Secretary shall ensure that sufficient resources, including subject matter expertise, are allocated to execute the functions necessary to carry out this section, including the assessment, mitigation, contract administration, and oversight functions.

(e) REPORTING REQUIREMENTS AND LIMITED AVAILABILITY OF BENEFICIAL OWNERSHIP DATA.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish a process to update systems of record to improve the assessment and mitigation of risks associated with FOCI through the inclusion and updating of all appropriate associated uniquely identifying information about the contracts and contractors and subcontracts and subcontractors in the Federal Awardee Performance and Integrity Information System (FAPIIS), administered by the General Services Administration, and the Commercial and Government Entity (CAGE) database, administered by the Defense Logistics Agency.

(2) LIMITED AVAILABILITY OF INFORMATION.—The Secretary of Defense shall ensure that the information required to be disclosed pursuant to this subsection is—

(A) not made public;

(B) made available via the FAPIIS and CAGE databases; and

(C) made available to appropriate government departments or agencies.

#### SEC. 834. EXTENSION AND REVISIONS TO NEVER CONTRACT WITH THE ENEMY.

(a) EXTENSION.—Section 841(n) of the National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2302 note) is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

(b) EXPANSION OF PROGRAM.—Section 841(a) of such Act is amended—

(1) in the heading, by striking “IDENTIFICATION OF PERSONS AND ENTITIES” and inserting “PROGRAM”;

(2) in the matter preceding paragraph (1), by striking “establish in” and all that follows and inserting “establish a program to mitigate threats posed by vendors supporting operations outside the United States. The program shall use available intelligence to identify persons and entities that—”;

(3) in paragraph (1), by striking “; or” and inserting a semicolon;

(4) in paragraph (2), by striking the period and inserting a semicolon; and

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

“(3) directly or indirectly support a covered person or entity or otherwise pose a force protection risk to personnel of the United States or coalition forces; or

“(4) pose an unacceptable national security risk.”.

(c) INCLUSION OF ALL CONTRACTS.—Sections 841 and 842 of such Act are further amended by striking “covered contract” each place it appears and inserting “contract”.

(d) INCLUSION OF ALL COMBATANT COMMANDS.—Sections 841 and 842 of such Act are further amended by striking “covered combatant command” each place it appears and inserting “combatant command”.

(e) COVERED PERSON OR ENTITY.—Section 843(6) of such Act is amended to read as follows:

“(6) COVERED PERSON OR ENTITY.—The term ‘covered person or entity’ means a person that is—

“(A) engaging in acts of violence against personnel of the United States or coalition forces;

“(B) providing financing, logistics, training, or intelligence to a person described in subparagraph (A);

“(C) engaging in foreign intelligence activities against the United States or against coalition forces;

“(D) engaging in transnational organized crime or criminal activities; or

“(E) engaging in other activities that present a direct or indirect risk to the national security of the United States or coalition forces.”.

(f) DELEGATION AUTHORITY OF COMBATANT COMMANDER.—

(1) USE OF DESIGNEES.—Sections 841 and 842 of such Act are further amended by striking “specified deputies” each place it appears and inserting “designee”.

(2) REMOVAL OF LIMITATIONS ON DELEGATION.—Section 841 of such Act is further amended by striking subsection (g).

(g) AUTHORITIES TO TERMINATE, VOID, AND RESTRICT.—Section 841(c) of such Act is further amended—

(1) in paragraph (1)—

(A) by inserting “to a person or entity” after “concerned”; and

(B) by striking “the contract” and all that follows through the period at the end and inserting “the person or entity has been identified under the program established under subsection (a).”;

(2) in paragraph (2), by striking “has failed” and all that follows and inserting “has been identified under the program established under subsection (a).”;

(3) in paragraph (3), by striking “the contract” and all that follows through the period at the end and inserting “the contractor, or the recipient of the grant or cooperative agreement, has been identified under the program established under subsection (a).”.

(h) CONTRACT CLAUSE.—Section 841(d)(2)(B) of such Act is amended by inserting “and restrict future award to any contractor, or recipient of a grant or cooperative agreement, that has been identified under the program established under subsection (a)” after “subsection (c).”.

(i) PARTICIPATION OF SECRETARY OF STATE.—Section 841 of such Act is further amended—

(1) in subsection (a) in the matter preceding paragraph (1), by striking “in consultation with”; and

(2) in subsection (f)(1), by striking “in consultation with”.

(j) SHARING OF INFORMATION ON SUPPORTERS OF THE ENEMY.—Section 841(h)(1) of such Act is further amended by striking “may be providing” and all that follows through “or entity” and inserting “have been identified under the program established under subsection (a).”.

(k) INAPPLICABILITY TO CERTAIN CONTRACTS, GRANTS, AND COOPERATIVE AGREEMENTS.—Section 841(j) of such Act is amended by striking “contracts, grants, and cooperative agreements” and all that follows through the period at the end and inserting “a contract, grant, or cooperative agreement that is performed entirely inside the United States unless the recipient of such contract, grant, or cooperative agreement is a foreign entity.”.

(l) CONSTRUCTION WITH OTHER AUTHORITIES.—Section 841 of such Act is further amended—

(1) in subsection (1), by striking “Except as provided in subsection (m), the” and inserting “The”; and

(2) by striking subsection (m).

(m) ADDITIONAL ACCESS TO RECORDS.—Section 842 of such Act is further amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking “, except as provided under subsection (c)(1),”;

(B) in paragraph (2), by striking “ensure that funds” and all that follows through the period at the end and inserting “support the program established under section 841(a).”;

(C) in paragraph (3), by striking “that funds” and all that follows through the period at the end and inserting “that the examination of such records will support the program established under section 841(a).”;

and

(D) by striking paragraph (4); and

(2) by striking subsection (c).

(n) REPORTS.—Subtitle E of title VIII of such Act (10 U.S.C. 2302 note) is further amended—

(1) in section 841(i)(1), in the matter preceding subparagraph (A), by striking “2016, 2017, and 2018” and inserting “2016 through 2023”; and

(2) in section 842(b)(1), by striking “2016, 2017, and 2018” and inserting “2016 through 2023”.

(o) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION HEADING.—The heading of section 841 of such Act is amended by striking “PROVIDING FUNDS TO” and inserting “SUPPORTING”.

(2) REDESIGNATIONS.—Section 841 of such Act is further amended by redesignating subsections (h) through (l) and (n) (as amended by subsections (a) through (n) of this section) as subsections (g) through (l), respectively.

(3) DEFINITIONS.—Section 843 of such Act is amended by striking paragraphs (2) through (5) and redesignating paragraphs (6) through (9) as paragraphs (2) through (5), respectively.

#### Subtitle D—Small Business Matters

#### SEC. 841. REAUTHORIZATION AND IMPROVEMENT OF DEPARTMENT OF DEFENSE MENTOR-PROTÉGÉ PROGRAM.

(a) PERMANENT AUTHORIZATION.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended by striking subsection (j).

(b) OFFICE OF SMALL BUSINESS PROGRAMS OVERSIGHT.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(1) by redesignating subsection (n) as subsection (o); and

(2) by inserting after subsection (m) the following new subsection:

“(n) ESTABLISHMENT OF PERFORMANCE GOALS AND PERIODIC REVIEWS.—The Office of Small Business Programs of the Department of Defense shall—

“(1) establish performance goals consistent with the stated purpose of the Mentor-Protégé Program and outcome-based metrics to measure progress in meeting those goals; and

“(2) submit to the congressional defense committees, not later than February 1, 2020, a report on progress made toward implementing these performance goals and metrics, based on periodic reviews of the procedures used to approve mentor-protégé agreements.”.

(c) MODIFICATION OF DISADVANTAGED SMALL BUSINESS CONCERN DEFINITION.—Subsection (o)(2) of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as redesignated by subsection (b)(1) of this section, is amended by striking “has less than half the size standard corresponding to its primary North American Industry Classification System code” and inserting “is not more than the size standard corresponding to its primary North American Industry Classification System code”.

(d) REMOVAL OF PILOT PROGRAM REFERENCES.—Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note) is amended—

(1) in the subsection heading for subsection (a), by striking “PILOT”; and

(2) by striking “pilot” each place it appears.

(e) INDEPENDENT REPORT ON PROGRAM EFFECTIVENESS.—

(1) IN GENERAL.—The Secretary of Defense shall direct the Defense Business Board to submit to the congressional defense committees a report evaluating the effectiveness of the Mentor-Protégé Program established under section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), including recommendations for improving the program in terms of performance metrics, forms of assistance, and overall program effectiveness not later than March 31, 2022.

(2) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this subsection, the term “congressional defense committees” has the meaning given that term in section 101(a)(16) of title 10, United States Code.

**SEC. 842. MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT FOR CERTAIN DEPARTMENT OF DEFENSE CONTRACTS.**

(a) MODIFICATION OF JUSTIFICATION AND APPROVAL REQUIREMENT.—Notwithstanding section 811 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2405)—

(1) no justification and approval is required under such section for a sole-source contract awarded by the Department of Defense in a covered procurement for an amount not exceeding \$100,000,000; and

(2) for purposes of subsections (a)(2) and (c)(3)(A) of such section, the appropriate official designated to approve the justification for a sole-source contract awarded by the Department of Defense in a covered procurement exceeding \$100,000,000 is the official designated in section 2304(f)(1)(B)(ii) of title 10, United States Code.

(b) GUIDANCE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to implement the authority under subsection (a).

(c) COMPTROLLER GENERAL REVIEW.—

(1) DATA TRACKING AND COLLECTION.—The Department of Defense shall track the use of the authority provided pursuant to subsection (a) and make the data available to the Comptroller General for purposes of the report required under paragraph (2).

(2) REPORT.—Not later than February 1, 2022, the Comptroller General of the United States shall submit a report to the congressional defense committees on the use of the authority provided pursuant to subsection (a) through the end of fiscal year 2021.

**Subtitle E—Provisions Related to Software-Driven Capabilities**

**SEC. 851. IMPROVED MANAGEMENT OF INFORMATION TECHNOLOGY AND CYBERSPACE INVESTMENTS.**

(a) IMPROVED MANAGEMENT.—

(1) IN GENERAL.—The Chief Information Officer of the Department of Defense shall work with the Chief Data Officer of the Department of Defense to optimize the Department's process for accounting for, managing, and reporting its information technology and cyberspace investments. The optimization should include alternative methods of presenting budget justification materials to the public and congressional staff to more accurately communicate when, how, and with what frequency capability is delivered to end users, in accordance with best practices for managing and reporting on information technology investments.

(2) BRIEFING.—Not later than February 3, 2020, the Chief Information Officer of the Department of Defense shall brief the congress-

sional defense committees on the process optimization undertaken pursuant to paragraph (1), including any recommendations for legislation.

(b) DELIVERY OF INFORMATION TECHNOLOGY BUDGET.—The Secretary of Defense shall submit to the congressional defense committees the Department of Defense budget request for information technology not later than 15 days after the submittal to Congress of the budget of the President for a fiscal year pursuant to section 1105 of title 31, United States Code.

**SEC. 852. SPECIAL PATHWAYS FOR RAPID ACQUISITION OF SOFTWARE APPLICATIONS AND UPGRADES.**

(a) GUIDANCE REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish guidance authorizing the use of special pathways for the rapid acquisition of software applications and upgrades that are intended to be fielded within one year.

(b) SOFTWARE ACQUISITION PATHWAYS.—

(1) USE OF PROVEN TECHNOLOGIES AND SOLUTIONS.—The guidance required by subsection (a) shall provide for the use of proven technologies and solutions to continuously engineer and deliver capabilities in software.

(2) OBJECTIVES.—The objectives of using the acquisition authority under this section shall be to begin the engineering of new capabilities quickly, to demonstrate viability and effectiveness of those capabilities in operation, and to continue updating and delivering new capabilities iteratively afterwards.

(3) TREATMENT NOT AS ACQUISITION PROGRAM.—An acquisition using the authority under this section shall not be treated as an acquisition program for the purpose of section 2430 of title 10, United States Code, or Department of Defense Directive 5000.01 without the specific direction of the Under Secretary of Defense for Acquisition and Sustainment or a Senior Acquisition Executive.

(4) PATHWAYS.—The guidance shall provide for the following two rapid acquisition pathways:

(A) APPLICATIONS.—The applications software acquisition pathway shall provide for the use of rapid development and implementation of applications and other software and software improvements running on commercial commodity hardware (including modified hardware) operated by the Department of Defense.

(B) EMBEDDED SYSTEMS.—The embedded systems software acquisition pathway shall provide for the rapid development and insertion of upgrades and improvements for software embedded in weapon systems and other military-unique hardware systems.

(c) EXPEDITED PROCESS.—

(1) IN GENERAL.—The guidance required by subsection (a) shall provide for a streamlined and coordinated requirements, budget, and acquisition process that results in the rapid fielding of software applications and software upgrades to embedded systems in a period of not more than one year from the time that the process is initiated. It shall also require the collection of data on the version fielded and continuous engagement with the users of that software, so as to enable engineering and delivery of additional versions in periods of not more than one year each.

(2) EXPEDITED SOFTWARE REQUIREMENTS PROCESS.—

(A) INAPPLICABILITY OF EXISTING GUIDANCE.—Software acquisitions conducted under the authority of this provision shall not be subject to the Joint Capabilities Integration and Development System (JCIDS) Manual and Department of Defense Directive 5000.01, except to the extent specifically provided in the guidance required under subsection (a) or by the Under Secretary of De-

fense for Acquisition and Sustainment or a Senior Acquisition Executive.

(B) REQUIREMENTS.—The guidance required by subsection (a) shall provide the following with respect to requirements:

(i) Requirements for covered acquisitions are developed on an iterative basis through engagement with the user community, and the use of user feedback in order to regularly define and set priorities for software requirements and evaluate the software capabilities acquired.

(ii) The requirements process begins with the identification of the warfighter or user need, including the rationale for how these software capabilities will support increased lethality and efficiency, and the identification of a relevant user community.

(iii) Initial contract requirements are stated in the form of a summary-level list of problems and shortcomings in existing software systems and desired features or capabilities of new or upgraded software systems.

(iv) Contract requirements are continuously refined and set in priority order in an evolutionary process through discussions with users that may continue throughout the development and implementation period.

(v) Issues related to lifecycle costs and systems interoperability are continuously considered.

(vi) Issues of logistics support in cases where the software developer may stop supporting the software system are addressed.

(vii) Rapid contracting procedures, to include timeframes for award, contract types, teaming, and options.

(viii) Execution processes, including supporting development and test infrastructure, automation and tools, data collection and sharing, the role of developmental and operational testing activities, and key decision-making and oversight events, and supporting processes and activities such as independent costing activity, operational demonstration, and performance metrics.

(ix) Administrative procedures, including procedures related to the roles and responsibilities of the implementing project or product teams and supporting activities, team selection and staffing process, oversight roles and responsibilities, and appropriate independent technology assessments, testing, and cost estimation, including relevant thresholds or designation criteria.

(x) Mechanisms and waivers designed to ensure flexibility in the implementation of the authority, including the use of other transaction authority, broad agency announcements, and other procedures.

**Subtitle F—Other Matters**

**SEC. 861. NOTIFICATION OF NAVY PROCUREMENT PRODUCTION DISRUPTIONS.**

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2339b. Notification of Navy procurement production disruptions**

“(a) REQUIREMENT FOR CONTRACTOR TO PROVIDE NOTICE OF DELAYS.—The Secretary of the Navy shall require prime contractors of any Navy procurement program to report within 15 calendar days any stop work order or other manufacturing disruption of 15 calendar days or more, by the prime contractor or any sub-contractor, to the respective program manager and Navy technical authority.

“(b) QUARTERLY REPORTS.—The Secretary of the Navy shall submit to the congressional defense committees not later than 15 calendar days after the end of each quarter of a fiscal year a report listing all notifications made pursuant to subsection (a) during the preceding quarter.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 137 of title 10, United States Code, is amended by

inserting after the item relating to section 2339a the following new item:

“2339b. Notification of Navy procurement production disruptions.”.

**SEC. 862. MODIFICATION TO ACQUISITION AUTHORITY OF THE COMMANDER OF THE UNITED STATES CYBER COMMAND.**

Section 807 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 10 U.S.C. 2224 note) is amended by inserting “on new contract efforts” after “may not obligate or expend more than \$75,000,000”.

**SEC. 863. PROHIBITION ON OPERATION OR PROCUREMENT OF FOREIGN-MADE UNMANNED AIRCRAFT SYSTEMS.**

(a) **PROHIBITION ON AGENCY OPERATION OR PROCUREMENT.**—The Secretary of Defense may not operate or enter into or renew a contract for the procurement of—

(1) a covered unmanned aircraft system that—

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

(C) uses a ground control system or operating software developed in a covered foreign country or by an entity domiciled in a covered foreign country; or

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

(2) a system manufactured in a covered foreign country or by an entity domiciled in a covered foreign country for the detection or identification of covered unmanned aircraft systems.

(b) **EXEMPTION.**—The Secretary of Defense is exempt from the restriction under subsection (a) if the operation or procurement is for the purposes of—

(1) Counter-UAS surrogate testing and training; or

(2) intelligence, electronic warfare, and information warfare operations, testing, analysis, and training.

(c) **WAIVER.**—The Secretary of Defense may waive the restriction under subsection (a) on a case by case basis by certifying in writing to the congressional defense committees that the operation or procurement is required in the national interest of the United States.

(d) **DEFINITIONS.**—In this section:

(1) **COVERED FOREIGN COUNTRY.**—The term “covered foreign country” means the People’s Republic of China.

(2) **COVERED UNMANNED AIRCRAFT SYSTEM.**—The term “covered unmanned aircraft system” means an unmanned aircraft system and any related services and equipment.

**SEC. 864. PROHIBITION ON CONTRACTING WITH PERSONS THAT HAVE BUSINESS OPERATIONS WITH THE MADURO REGIME.**

(a) **PROHIBITION.**—Except as provided under subsections (c), (d), and (e), the Department of Defense may not enter into a contract for the procurement of goods or services with any person that has business operations with an authority of the Government of Venezuela that is not recognized as the legitimate Government of Venezuela by the United States Government.

(b) **DEFINITIONS.**—In this section:

(1) **BUSINESS OPERATIONS.**—The term “business operations” means engaging in commerce in any form, including acquiring, developing, maintaining, owning, selling, possessing, leasing, or operating equipment, facilities, personnel, products, services, personal property, real property, or any other apparatus of business or commerce.

(2) **GOVERNMENT OF VENEZUELA.**—(A) The term “Government of Venezuela” includes the government of any political subdivision of Venezuela, and any agency or instrumentality of the Government of Venezuela.

(B) For purposes of subparagraph (A), the term “agency or instrumentality of the Government of Venezuela” means an agency or instrumentality of a foreign state as defined in section 1603(b) of title 28, United States Code, with each reference in such section to “a foreign state” deemed to be a reference to “Venezuela”.

(3) **PERSON.**—The term “person” means—

(A) a natural person, corporation, company, business association, partnership, society, trust, or any other nongovernmental entity, organization, or group;

(B) any governmental entity or instrumentality of a government, including a multilateral development institution (as defined in section 1701(c)(3) of the International Financial Institutions Act (22 U.S.C. 262r(c)(3))); and

(C) any successor, subunit, parent entity, or subsidiary of, or any entity under common ownership or control with, any entity described in subparagraph (A) or (B).

(c) **EXCEPTIONS.**—

(1) **IN GENERAL.**—The prohibition under subsection (a) does not apply to a contract that the Secretary of Defense determines—

(A) is necessary—

(i) for purposes of providing humanitarian assistance to the people of Venezuela;

(ii) for purposes of providing disaster relief and other urgent life-saving measures;

(iii) to carry out noncombatant evacuations; or

(iv) to carry out stabilization activities; or

(B) is vital to the national security interests of the United States.

(2) **NOTIFICATION REQUIREMENT.**—The Secretary of Defense shall notify the congressional defense committees of any contract entered into on the basis of an exception provided for under paragraph (1).

(d) **OFFICE OF FOREIGN ASSETS CONTROL LICENSES.**—The prohibition in subsection (a) shall not apply to a person that has a valid license to operate in Venezuela issued by the Office of Foreign Assets Control.

(e) **AMERICAN DIPLOMATIC MISSION IN VENEZUELA.**—The prohibition in subsection (a) shall not apply to contracts related to the operation and maintenance of the United States Government’s consular offices and diplomatic posts in Venezuela.

(f) **APPLICABILITY.**—This section shall apply with respect to any contract entered into on or after the date of the enactment of this section.

**SEC. 865. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO COMBAT HUMAN TRAFFICKING THROUGH PROCUREMENT PRACTICES.**

(a) **IN GENERAL.**—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on Department of Defense efforts to combat human trafficking.

(b) **ELEMENTS.**—The report required under subsection (a) shall evaluate—

(1) the efforts of the Department of Defense to combat human trafficking in its contracting and supply chain policy, regulation, and practices, to include implementation of title XVII of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 2092) and Executive Order 13627 (77 Fed. Reg. 60029), as well as the nature and extent of training for Department of Defense contract officers on how to evaluate compliance plans, monitor contractor adherence to the plans, and respond to reports of noncompliance;

(2) the role of the current trafficking in person’s office within the Department of Defense in helping the Department address all forms of human trafficking, and what, if any, improvements should be made to the office;

(3) the process used by contract officers to evaluate compliance plans with regards to preventing human trafficking; and

(4) how many instances of human trafficking have been reported to the Inspector General of the Department of Defense and the outcome of those cases.

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

(1) the Committee on Armed Services and the Committee on the Judiciary of the Senate; and

(2) the Committee on Armed Services and the Committee on the Judiciary of the House of Representatives.

**TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**Subtitle A—Office of the Secretary of Defense and Related Matters**

**SEC. 901. HEADQUARTERS ACTIVITIES OF THE DEPARTMENT OF DEFENSE MATTERS.**

(a) **ASSESSMENT AND REFORM OF ENTERPRISE BUSINESS OPERATIONS.**—Subsection (b) of section 921 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 2222 note) is amended to read as follows:

“(b) **ASSESSMENT AND REFORM OF ENTERPRISE BUSINESS OPERATIONS.**—

“(1) **PERIODIC ASSESSMENTS AND ACTIONS.**—Not later than January 1, 2020, and not less frequently than once every five years thereafter, the Secretary of Defense shall, acting through the Chief Management Officer of the Department of Defense—

“(A) assess enterprise business operations of the Department of Defense across all organizations and elements of the Department; and

“(B) take or direct the taking of such actions as will minimize the duplication of efforts and maximize efficiency and effectiveness in mission execution.

“(2) **CMO REPORTS.**—Not later than January 1 of every fifth calendar year beginning with January 1, 2025, the Chief Management Officer shall submit to the congressional defense committees a report that describes the assessments carried out and the actions taken by the Chief Management Officer, and by other officers or employees of the Department at the direction of the Chief Management Officer, under this subsection during the preceding five years, including the following:

“(A) A description of the metrics for performance relating to minimization of duplication of efforts and maximization of efficiency and effectiveness in mission execution established for applicable organizations and elements of the Department.

“(B) A certification of any costs avoided or cost savings achieved as a result of such assessments and actions.”.

(b) **REPORT ON MILITARY AND CIVILIAN PERSONNEL FOR THE NGB AND NATIONAL GUARD JOINT STAFF.**—Not later than January 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the following:

(1) The total number of members of the Armed Forces and civilian employees of the Department of Defense assigned to the Office of the Chief of the National Guard Bureau and the National Guard Joint Staff.

(2) A recommendation for the total number of members and employees required for the Office of the Chief of the National Guard Bureau and the National Guard Joint Staff to execute the missions and functions of the

National Guard Bureau and the National Guard Joint Staff.

(c) **REPEAL OF SUPERSEDED LIMITATIONS.**—The following provisions are repealed:

(1) Section 601 of the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (10 U.S.C. 194 note).

(2) Section 1111 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (10 U.S.C. 143 note).

(d) **MODIFICATION OF LIMITATIONS ON NUMBER OF PERSONNEL IN OSD AND OTHER DOD HEADQUARTERS.**—

(1) **OSD.**—Section 143 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “3,767” and inserting “4,000”; and

(B) in subsection (b), by striking “, civilian, and detailed personnel” and inserting “and civilian personnel”.

(2) **JOINT STAFF.**—

(A) **IN GENERAL.**—Section 155(h) of such title is amended—

(i) in paragraph (1), by striking “2,069” and inserting “2,250”; and

(ii) in paragraph (2), by striking “1,500” and inserting “1,600”.

(B) **EFFECTIVE DATE.**—The amendments made by subparagraph (A) shall take effect on December 31, 2019, immediately after the coming into effect of the amendment made by section 903(b) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2344), to which such amendments relate

(3) **OFFICE OF SECRETARY OF THE ARMY.**—Section 7014(f) of title 10, United States Code, is amended—

(A) in paragraph (1), by striking “3,105” and inserting “3,250”; and

(B) in paragraph (2), by striking “1,865” and inserting “1,900”.

(4) **OFFICE OF SECRETARY OF THE NAVY.**—Section 8014(f) of such title is amended—

(A) in paragraph (1), by striking “2,866” and inserting “3,000”; and

(B) in paragraph (2), by striking “1,720” and inserting “1,800”.

(5) **OFFICE OF SECRETARY OF THE AIR FORCE.**—Section 9014(f) of such title is amended—

(A) in paragraph (1), by striking “2,639” and inserting “2,750”; and

(B) in paragraph (2), by striking “1,585” and inserting “1,650”.

(e) **SUNSET OF REDUCTION IN FUNDING FOR DOD HEADQUARTERS, ADMINISTRATIVE, AND SUPPORT ACTIVITIES.**—Section 346 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 111 note) is amended by adding at the end the following new subsection:

“(c) **SUNSET.**—No action is required under this section with respect to any fiscal year after fiscal year 2019.”.

**SEC. 902. RESPONSIBILITY OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT FOR PROCUREMENT TECHNICAL ASSISTANCE COOPERATIVE AGREEMENT PROGRAM.**

(a) **IN GENERAL.**—Section 2411(3) of title 10, United States Code, is amended by striking “Secretary of Defense acting through the Director of the Defense Logistics Agency” and inserting “Secretary of Defense acting through the Under Secretary of Defense for Acquisition and Sustainment”.

(b) **AUTHORITY TO PAY ADMINISTRATIVE AND OTHER COSTS.**—Section 2417 of title 10, United States Code, is amended by striking “Director of the Defense Logistics Agency” and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

**SEC. 903. RETURN TO CHIEF INFORMATION OFFICER OF THE DEPARTMENT OF DEFENSE OF RESPONSIBILITY FOR BUSINESS SYSTEMS AND RELATED MATTERS.**

(a) **RETURN OF RESPONSIBILITY.**—

(1) **IN GENERAL.**—Section 142(b)(1) of title 10, United States Code, is amended by striking “systems and” each place it appears in subparagraphs (A), (B), and (C).

(2) **CONFORMING AMENDMENTS TO CMO AUTHORITIES.**—Section 132a(b) of such title is amended—

(A) in paragraph (2), by striking “performance measurement and management, and business information technology management and improvement activities and programs” and inserting “and performance measurement and management activities and programs”; and

(B) by striking paragraphs (4) and (5); and (C) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) **CHIEF DATA OFFICER RESPONSIBILITY FOR DOD DATA SETS.**—

(1) **IN GENERAL.**—In addition to any other functions and responsibilities specified in section 3520(c) of title 44, United States Code, the Chief Data Officer of the Department of Defense shall also be the official in the Department of Defense with principal responsibility for providing for the availability of common, usable, Defense-wide data sets.

(2) **ACCESS TO ALL DOD DATA.**—In order to carry out the responsibility specified in paragraph (1), the Chief Data Officer shall have access to all Department of Defense data, including data in connection with warfighting missions and back-office data.

(3) **RESPONSIBLE TO CIO.**—The Chief Data Officer shall report directly to the Chief Information Officer of the Department of Defense in the performance of the responsibility specified in paragraph (1).

(4) **REPORT.**—Not later than December 1, 2019, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth such recommendations for legislative or administrative action as the Secretary considers appropriate to carry out this subsection.

**SEC. 904. SENIOR MILITARY ADVISOR FOR CYBER POLICY AND DEPUTY PRINCIPAL CYBER ADVISOR.**

(a) **ADVISOR.**—

(1) **IN GENERAL.**—The Under Secretary of Defense for Policy shall, acting through the Joint Staff, designate an officer within the Office of the Under Secretary of Defense for Policy to serve within that Office as the Senior Military Advisor for Cyber Policy, and concurrently, as the Deputy Principal Cyber Advisor.

(2) **OFFICERS ELIGIBLE FOR DESIGNATION.**—The officer designated pursuant to this subsection shall be designated from among commissioned regular officers of the Armed Forces in a general or flag officer grade who are qualified for designation

(3) **GRADE.**—The officer designated pursuant to this subsection shall have the grade of major general or rear admiral while serving in that position, without vacating the officer's permanent grade.

(b) **SCOPE OF POSITIONS.**—

(1) **IN GENERAL.**—The officer designated pursuant to subsection (a) is each of the following:

(A) The Senior Military Advisor for Cyber Policy to the Under Secretary of Defense for Policy.

(B) The Deputy Principal Cyber Advisor to the Under Secretary of Defense for Policy.

(2) **DIRECTION AND CONTROL AND REPORTING.**—In carrying out duties under this section, the officer designated pursuant to subsection (a) shall be subject to the authority, direction, and control of, and shall report directly to, the following:

(A) The Under Secretary with respect to Senior Military Advisor for Cyber Policy duties.

(B) The Principal Cyber Advisor with respect to Deputy Principal Cyber Advisor duties.

(c) **DUTIES.**—

(1) **DUTIES AS SENIOR MILITARY ADVISOR FOR CYBER POLICY.**—The duties of the officer designated pursuant to subsection (a) as Senior Military Advisor for Cyber Policy are as follows:

(A) To serve as the principal uniformed military advisor on military cyber forces and activities to the Under Secretary of Defense for Policy.

(B) To assess and advise the Under Secretary on aspects of policy relating to military cyberspace operations, resources, personnel, cyber force readiness, cyber workforce development, and defense of Department of Defense networks.

(C) To advocate, in consultation with the Joint Staff, and senior officers of the Armed Forces and the combatant commands, for consideration of military issues within the Office of the Under Secretary of Defense for Policy, including coordination and synchronization of Department cyber forces and activities.

(D) To maintain open lines of communication between the Chief Information Officer of the Department of Defense, senior civilian leaders within the Office of the Under Secretary, and senior officers on the Joint Staff, the Armed Forces, and the combatant commands on cyber matters, and to ensure that military leaders are informed on cyber policy decisions.

(2) **DUTIES AS DEPUTY PRINCIPAL CYBER ADVISOR.**—The duties of the officer designated pursuant to subsection (a) as Deputy Principal Cyber Advisor are as follows:

(A) To synchronize, coordinate, and oversee implementation of the Cyber Strategy of the Department of Defense and other relevant policy and planning.

(B) To advise the Secretary of Defense on cyber programs, projects, and activities of the Department, including with respect to policy, training, resources, personnel, manpower, and acquisitions and technology.

(C) To oversee implementation of Department policy and operational directives on cyber programs, projects, and activities, including with respect to resources, personnel, manpower, and acquisitions and technology.

(D) To assist in the overall supervision of Department cyber activities relating to offensive missions.

(E) To assist in the overall supervision of Department defensive cyber operations, including activities of component-level cybersecurity service providers and the integration of such activities with activities of the Cyber Mission Force.

(F) To advise senior leadership of the Department on, and advocate for, investment in capabilities to execute Department missions in and through cyberspace.

(G) To identify shortfalls in capabilities to conduct Department missions in and through cyberspace, and make recommendations on addressing such shortfalls in the Program Budget Review process.

(H) To coordinate and consult with stakeholders in the cyberspace domain across the Department in order to identify other issues on cyberspace for the attention of senior leadership of the Department.

(I) On behalf of the Principal Cyber Advisor, to lead the cross-functional team established pursuant to 932(c)(3) of the National Defense Authorization Act for Fiscal Year 2014 (10 U.S.C. 2224 note) in order to synchronize and coordinate military and civilian cyber forces and activities of the Department.



**SEC. 905. LIMITATION ON TRANSFER OF STRATEGIC CAPABILITIES OFFICE.**

(a) **LIMITATION.**—The Under Secretary of Defense for Research and Engineering may not transfer the Strategic Capabilities Office or change the reporting structure of the Office, as in effect on the day before the date of the enactment of this Act, until the Secretary of Defense, acting through the Chief Management Officer and the Under Secretary of Defense for Research and Engineering and in consultation with the United States Indo-Pacific, Europe, and Special Operations Command, submits the report required by subsection (b)(1).

**(b) REPORT.—**

(1) **IN GENERAL.**—The Secretary shall submit to the congressional defense committees a report that evaluates the following options for transferring the Office:

(A) Transferring the Office so that the Director of the Office reports directly to the Under Secretary of Defense for Acquisition and Sustainment.

(B) Maintaining the arrangement in effect on the day before the date of the enactment of this Act such that the Director continues to report to the Under Secretary of Defense for Research and Engineering.

(C) Transferring the Office to the Defense Advanced Research Projects Agency.

(D) Such other options as the Under Secretary may identify.

(2) **CONTENTS.**—The report submitted under paragraph (1) shall include, for each option evaluated under such paragraph, an evaluation of whether the option considered will provide for—

(A) responding to the critical needs of combatant commanders;

(B) augmentation of cross-Department of Defense efforts with respect to developing strategic capabilities;

(C) developing new and innovative ways to counter advanced threats;

(D) providing sound technical and program management for activities of the Strategic Capabilities Office;

(E) coordinating appropriately with other research and technology development activities of the Department; and

(F) partnering with and responding to senior leadership across the Department.

**Subtitle B—Organization and Management of Other Department of Defense Offices and Elements****SEC. 911. ASSISTANT SECRETARIES OF THE MILITARY DEPARTMENTS FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT.**

(a) **ASSISTANT SECRETARY OF THE ARMY.**—Section 7016(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(6) One of the Assistant Secretaries shall be the Assistant Secretary of the Army for Energy, Installations, and Environment.”.

(b) **ASSISTANT SECRETARY OF THE NAVY.**—Section 8016(b) of such title is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries shall be the Assistant Secretary of the Navy for Energy, Installations, and Environment.”.

(c) **ASSISTANT SECRETARY OF THE AIR FORCE.**—Section 9016(b) of such title is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries shall be the Assistant Secretary of the Air Force for Energy, Installations, and Environment.”.

**SEC. 912. REPEAL OF CONDITIONAL DESIGNATION OF EXPLOSIVE ORDNANCE DISPOSAL CORPS AS A BASIC BRANCH OF THE ARMY.**

Section 582 of the National Defense Authorization Act for Fiscal Year 2018 (Public

Law 115–91; 131 Stat. 1415) is repealed, and the amendment otherwise provided for by subsection (a) of that section shall not be made.

**Subtitle C—Other Matters****SEC. 921. EXCLUSION FROM LIMITATIONS ON PERSONNEL IN THE OFFICE OF THE SECRETARY OF DEFENSE AND DEPARTMENT OF DEFENSE HEADQUARTERS OF FELLOWS APPOINTED UNDER THE JOHN S. MCCAIN DEFENSE FELLOWS PROGRAM.**

Section 932(f)(3) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1935; 10 U.S.C. prec. 1580 note) is amended by adding at the end the following new sentence: “An individual appointed pursuant to this paragraph shall not count against the limitation on the number of Office of the Secretary of Defense personnel in section 143 of title 10, United States Code, or any similar limitation in law on the number of personnel in headquarters of the Department that would otherwise apply to the office or headquarters to which appointed.”.

**SEC. 922. REPORT ON RESOURCES TO IMPLEMENT THE CIVILIAN CASUALTY POLICY OF THE DEPARTMENT OF DEFENSE.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report, in unclassified form, on the resources necessary over the period of the future-years defense plan for fiscal year 2020 under section 221 of title United States Code, to fulfill the requirements of section 936 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232; 132 Stat. 1939; 10 U.S.C. 134 note) and fully implement policies developed as a result of such section.

**TITLE X—GENERAL PROVISIONS****Subtitle A—Financial Matters****SEC. 1001. GENERAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—Except as provided in paragraph (3), the total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed \$4,000,000,000.

(3) **EXCEPTION FOR TRANSFERS BETWEEN MILITARY PERSONNEL AUTHORIZATIONS.**—A transfer of funds between military personnel authorizations under title IV shall not be counted toward the dollar limitation in paragraph (2).

(b) **LIMITATIONS.**—The authority provided by subsection (a) to transfer authorizations—

(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and

(2) may not be used to provide authority for an item that has been denied authorization by Congress.

(c) **EFFECT ON AUTHORIZATION AMOUNTS.**—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.

(d) **NOTICE TO CONGRESS.**—The Secretary shall promptly notify Congress of each transfer made under subsection (a).

**SEC. 1002. MODIFICATION OF REQUIRED ELEMENTS OF ANNUAL REPORTS ON EMERGENCY AND EXTRAORDINARY EXPENSES OF THE DEPARTMENT OF DEFENSE.**

Paragraph (2) of section 127(d) of title 10, United States Code, is amended to read as follows:

“(2) Each report submitted under paragraph (1) shall include, for each individual expenditure covered by such report in an amount in excess of \$20,000, the following:

“(A) A detailed description of the purpose of such expenditure.

“(B) The amount of such expenditure.

“(C) An identification of the approving authority for such expenditure.

“(D) A justification why other authorities available to the Department could not be used for such expenditure.

“(E) Any other matters the Secretary considers appropriate.”.

**SEC. 1003. INCLUSION OF MILITARY CONSTRUCTION PROJECTS IN ANNUAL REPORTS ON UNFUNDED PRIORITIES OF THE ARMED FORCES AND THE COMBATANT COMMANDS.**

(a) **INCLUSION OF MILITARY CONSTRUCTION PROJECTS AMONG UNFUNDED PRIORITIES.**—Subsection (d) of section 222a of title 10, United States Code, is amended in the matter preceding paragraph (1) by inserting “, including a military construction project,” after “program, activity, or mission requirement”.

(b) **ORDER OF URGENCY OF PRIORITY.**—Paragraph (2) of subsection (c) of such section is amended to read as follows:

“(2) **PRIORITIZATION OF PRIORITIES.**—Each report shall present the unfunded priorities covered by such report as follows:

“(A) In overall order of urgency of priority.

“(B) In overall order of urgency of priority among unfunded priorities (other than military construction projects).

“(C) In overall order of urgency of priority among military construction projects.”.

**SEC. 1004. PROHIBITION ON DELEGATION OF RESPONSIBILITY FOR SUBMITTAL TO CONGRESS OF OUT-YEAR UNCONSTRAINED TOTAL MUNITIONS REQUIREMENTS AND OUT-YEAR INVENTORY NUMBERS.**

Section 222c of title 10, United States Code, is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (c)”;

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

(3) by inserting after subsection (a) the following new subsection (b):

“(b) **PROHIBITION ON DELEGATION OF SUBMITTAL RESPONSIBILITY.**—The responsibility of the chief of staff of an armed force in subsection (a) to submit a report may not be delegated outside the armed force concerned.”; and

(4) in subsection (c), as redesignated by paragraph (2), by striking “subsection (c)” in paragraph (6) and inserting “subsection (d)”.

**SEC. 1005. ELEMENT IN ANNUAL REPORTS ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN ON ACTIVITIES WITH RESPECT TO CLASSIFIED PROGRAMS.**

Section 240b(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (B), by adding at the end the following new clause:

“(ix) A description of audit activities and results for classified programs, including a description of the use of procedures and requirements to prevent unauthorized exposure of classified information in such activities.”; and

(2) in subparagraph (C)(i), by inserting “or (ix)” after “clause (vii)”.

**SEC. 1006. MODIFICATION OF SEMIANNUAL BRIEFINGS ON THE CONSOLIDATED CORRECTIVE ACTION PLAN OF THE DEPARTMENT OF DEFENSE FOR FINANCIAL MANAGEMENT INFORMATION.**

(a) IN GENERAL.—Paragraph (2) of section 240b(b) of title 10, United States Code, is amended to read as following:

“(2) SEMIANNUAL BRIEFINGS.—

“(A) IN GENERAL.—Not later than February 28 and September 30 each year, the Under Secretary of Defense (Comptroller) and the comptrollers of the military departments shall provide a briefing to the congressional defense committees on the status of the consolidated corrective action plan referred to in paragraph (1)(B)(i) as of the end of the most recent calendar half-year ending before such briefing.

“(B) ELEMENTS.—Each briefing under subparagraph (A) shall include the following:

“(i) The absolute number, and the percentage, of personnel performing the amount of auditing or audit remediation services being performed by professionals meeting the qualifications described in section 240d(b) of this title as of the last day of the calendar half-year covered by such briefing.

“(ii) With respect to each finding and recommendation issued in connection with the audit of the financial statements of a department, agency, component, or other element of the Department of Defense, or the Department of Defense as a whole, that was received by the Department during the calendar half-year covered by such briefing, each of the following:

“(I) A description of the manner in which the corrective action plan of such department, agency, component, or element and the corrective action plan of the Department as a whole, or the corrective action plan of the Department as a whole (in the case of a finding or recommendation regarding the Department as a whole), has been modified in order to incorporate such finding or recommendation into such plans or plan.

“(II) An identification of the processes, systems, procedures, and technologies required to implement such corrective action plans or plan, as so modified.

“(III) A determination of the funds required to procure, obtain, or otherwise implement each process, system, and technology identified pursuant to subclause (II).

“(IV) An identification of the manner in which such corrective action plans or plan, as so modified, support the National Defense Strategy (NDS) of the United States.”.

(b) TECHNICAL AMENDMENT.—Paragraph (1)(B)(i) of such section is amended by striking “section 253a” and inserting “section 240c”.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply with respect to calendar half-years that end on or after that date.

**SEC. 1007. UPDATE OF AUTHORITIES AND RENAMING OF DEPARTMENT OF DEFENSE ACQUISITION WORKFORCE DEVELOPMENT FUND.**

(a) RENAMING AS ACCOUNT.—

(1) IN GENERAL.—Section 1705 of title 10, United States Code, is amended—

(A) in subsection (a), by striking “the Department of Defense Acquisition Workforce Development Fund” (in this section referred to as the “Fund”) and inserting “the Department of Defense Acquisition Workforce Development Account” (in this section referred to as the “Account”); and

(B) by striking “Fund” each place it appears (other than subsection (e)(6)) and inserting “Account”.

(2) CONFORMING AND CLERICAL AMENDMENTS.—

(A) SECTION HEADING.—The heading of such section is amended to read as follows:

**“§1705. Department of Defense Acquisition Workforce Development Account”.**

(B) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter I of chapter 87 of such title is amended by striking the item relating to section 1705 and inserting the following new item:

“1705. Department of Defense Acquisition Workforce Development Account.”.

(b) MANAGEMENT.—Such section is further amended by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(c) APPROPRIATIONS AS SOLE ELEMENTS OF ACCOUNT.—Subsection (d) of such section is amended to read as follows:

“(d) ELEMENTS.—The Account shall consist of amounts appropriated to the Account by law.”.

(d) AVAILABILITY OF AMOUNTS IN ACCOUNT.—Subsection (e)(6) of such section is amended by striking “credited to the Fund” and all that follows and inserting “appropriated to the Account pursuant to subsection (d) shall remain available for expenditure for the fiscal year in which appropriated and the succeeding fiscal year.”.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on October 1, 2019, and shall apply with respect to fiscal years that begin on or after that date.

(2) DURATION OF AVAILABILITY OF PREVIOUSLY DEPOSITED FUNDS.—Nothing in the amendments made by this section shall modify the duration of availability of amounts in the Department of Defense Acquisition Workforce Development Fund that were appropriated or credited to, or deposited, in the Fund, before October 1, 2019, as provided for in section 1705(e)(6) of title 10, United States Code, as in effect on the day before such date.

**Subtitle B—Counterdrug Activities**

**SEC. 1011. MODIFICATION OF AUTHORITY TO SUPPORT A UNIFIED COUNTERDRUG AND COUNTERTERRORISM CAMPAIGN IN COLOMBIA.**

Section 1021(a)(1) of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2042), as most recently amended by section 1011(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1545), is further amended by striking “organizations designated as” and all that follows and inserting “terrorist organizations or other illegally armed groups that the Secretary of Defense, with the concurrence of the Secretary of State, determines pose a threat to the national security interests of the United States.”.

**SEC. 1012. TWO-YEAR EXTENSION OF AUTHORITY FOR JOINT TASK FORCES TO PROVIDE SUPPORT TO LAW ENFORCEMENT AGENCIES CONDUCTING COUNTER-TERRORISM ACTIVITIES.**

Section 1022(b) of the National Defense Authorization Act for Fiscal Year 2004 (10 U.S.C. 271 note) is amended by striking “2020” and inserting “2022”.

**Subtitle C—Naval Vessels and Shipyards**

**SEC. 1016. MODIFICATION OF AUTHORITY TO PURCHASE VESSELS USING FUNDS IN NATIONAL DEFENSE SEALIFT FUND.**

(a) IN GENERAL.—Section 2218(f)(3)(E) of title 10, United States Code, is amended—

(1) in clause (i), by striking “ten new sealift vessels” and inserting “ten new vessels

that are sealift vessels, auxiliary vessels, or a combination of such vessels”; and

(2) in clause (ii), by striking “sealift”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

**SEC. 1017. SENIOR TECHNICAL AUTHORITY FOR EACH NAVAL VESSEL CLASS.**

(a) SENIOR TECHNICAL AUTHORITY FOR EACH CLASS REQUIRED.—Chapter 863 of title 10, United States Code, is amended by inserting after section 8669a the following new section:

**“§ 8669b. Senior Technical Authority for each naval vessel class**

“(a) SENIOR TECHNICAL AUTHORITY.—

“(1) DESIGNATION FOR EACH VESSEL CLASS REQUIRED.—The Secretary of the Navy shall designate, in writing, a Senior Technical Authority for each class of naval vessels as follows:

“(A) In the case of a class of vessels which has received Milestone A approval, an approval to enter into technology maturation and risk reduction, or an approval to enter into a subsequent Department of Defense or Department of the Navy acquisition phase as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, not later than 30 days after such date of enactment.

“(B) In the case of any class of vessels which has not received any approval described in subparagraph (A) as of such date of enactment, at or before the first of such approvals.

“(2) PROHIBITION ON DELEGATION.—The Secretary may not delegate designations under paragraph (1).

“(3) INDIVIDUALS ELIGIBLE FOR DESIGNATION.—Each individual designated as a Senior Technical Authority under paragraph (1) shall be an employee of the Navy in the Senior Executive Service in an organization of the Navy that—

“(A) possesses the technical expertise required to carry out the responsibilities specified in subsection (b); and

“(B) operates independently of chains-of-command for acquisition program management.

“(4) TERM.—Each Senior Technical Authority shall be designated for a term, not fewer than six years, specified by the Secretary at the time of designation.

“(5) REMOVAL.—An individual may be removed involuntarily from designation as a Senior Technical Authority only by the Secretary. Not later than 15 days after the involuntary removal of an individual from designation as a Senior Technical Authority, the Secretary shall notify, in writing, the congressional defense committees of the removal, including the reasons for the removal.

“(b) RESPONSIBILITIES AND AUTHORITY.—Each Senior Technical Authority shall be responsible for, and have the authority to, establish, monitor, and approve technical standards, tools, and processes for the class of naval vessels for which designated under this section in conformance with applicable Department of Defense and Department of the Navy policies, requirements, architectures, and standards.

“(c) LIMITATION ON OBLIGATION OF FUNDS ON LEAD VESSEL IN VESSEL CLASS.—

“(1) IN GENERAL.—On or after October 1, 2020, funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy may not be obligated for the first time on the lead vessel in a class of naval vessels unless the Secretary of the Navy certifies as described in paragraph (2).

“(2) CERTIFICATION ELEMENTS.—The certification on a class of naval vessels described in

this paragraph is a certification containing each of the following:

“(A) The name of the individual designated as the Senior Technical Authority for such class of vessels, and the qualifications and professional biography of the individual so designated.

“(B) A description by the Senior Technical Authority of the systems engineering, technology, and ship integration risks for such class of vessels.

“(C) The designation by the Senior Technical Authority of each critical hull, mechanical, electrical, propulsion, and combat system of such class of vessels, including systems relating to power generation, power distribution, and key operational mission areas.

“(D) The date on which the Senior Technical Authority approved the systems engineering, engineering development, and land-based engineering and testing plans for such class of vessels.

“(E) A description by the Senior Technical Authority of the key technical knowledge objectives and demonstrated system performance of each plan approved as described in subparagraph (D).

“(F) A determination by the Senior Technical Authority that such plans are sufficient to achieve thorough technical knowledge of critical systems of such class of vessels before the start of detail design and construction.

“(G) A determination by the Senior Technical Authority that actual execution of activities in support of such plans as of the date of the certification have been and continue to be effective and supportive of the acquisition schedule for such class of vessels.

“(H) A description by the Senior Technical Authority of other technology maturation and risk reduction efforts not included in such plans for such class of vessels taken as of the date of the certification.

“(I) A certification by the Senior Technical Authority that each critical system covered by subparagraph (C) has been demonstrated through testing of a prototype or identical component in its final form, fit, and function in a realistic environment.

“(J) A determination by the Secretary that the plans approved as described in subparagraph (D) are fully funded and will be fully funded in the future-years defense program for the fiscal year beginning in the year in which the certification is submitted.

“(K) A determination by the Secretary that the Senior Technical Authority will approve, in writing, the ship specification for such class of vessels before the request for proposals for detail design, construction, or both, as applicable, is released.

“(3) DEADLINE FOR SUBMITTAL OF CERTIFICATION.—The certification required by this subsection with respect to a class of naval vessels shall be submitted, in writing, to the congressional defense committees not fewer than 30 days before the Secretary obligates for the first time funds authorized to be appropriated for Shipbuilding and Conversion, Navy or Other Procurement, Navy for the lead vessel in such class of naval vessels.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘class of naval vessels’—

“(A) means any group of similar undersea or surface craft procured with Shipbuilding and Conversion, Navy or Other Procurement, Navy funds, including manned, unmanned, and optionally-manned craft; and

“(B) includes—

“(i) a substantially new class of craft (including craft procured using ‘new start’ procurement); and

“(ii) a class of craft undergoing a significant incremental change in its existing class (such as a next ‘flight’ of destroyers or next ‘block’ of attack submarines).

“(2) The term ‘future-years defense program’ has the meaning given that term in section 221 of this title.

“(3) The term ‘Milestone A approval’ has the meaning given that term in section 2431a of this title.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 863 of such title is amended by inserting after the item relating to section 8669a the following new item:

“8669b. Senior Technical Authority for each naval vessel class.”.

**SEC. 1018. PERMANENT AUTHORITY FOR SUSTAINING OPERATIONAL READINESS OF LITTORAL COMBAT SHIPS ON EXTENDED DEPLOYMENT.**

Section 8680(a)(2) of title 10, United States Code, is amended by striking subparagraph (D).

**Subtitle D—Counterterrorism**

**SEC. 1021. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES.**

Section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

**SEC. 1022. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CONSTRUCT OR MODIFY FACILITIES IN THE UNITED STATES TO HOUSE DETAINEES TRANSFERRED FROM UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

Section 1034(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

**SEC. 1023. EXTENSION OF PROHIBITION ON USE OF FUNDS FOR TRANSFER OR RELEASE OF INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO CERTAIN COUNTRIES.**

Section 1035 of the John S. McCain National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-232) is amended by striking “December 31, 2019” and inserting “December 31, 2020”.

**SEC. 1024. EXTENSION OF PROHIBITION ON USE OF FUNDS TO CLOSE OR RELINQUISH CONTROL OF UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

Section 1036 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1551), as amended by section 1032 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended by striking “or 2019” and inserting “, 2019, or 2020”.

**SEC. 1025. AUTHORITY TO TRANSFER INDIVIDUALS DETAINED AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA, TO THE UNITED STATES TEMPORARILY FOR EMERGENCY OR CRITICAL MEDICAL TREATMENT.**

(a) TEMPORARY TRANSFER FOR MEDICAL TREATMENT.—Notwithstanding section 1033 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), or any similar provision of law enacted after September 30, 2015, the Secretary of Defense may, after consultation with the Secretary of Homeland Security, temporarily transfer an individual detained at Guantanamo to a Department of Defense medical facility in the United States for the sole purpose of providing the individual medical treatment if the Secretary of Defense determines that—

(1) the medical treatment of the individual is necessary to prevent death or imminent

significant injury or harm to the health of the individual;

(2) the necessary medical treatment is not available to be provided at United States Naval Station, Guantanamo Bay, Cuba, without incurring excessive and unreasonable costs; and

(3) the Department of Defense has provided for appropriate security measures for the custody and control of the individual during any period in which the individual is temporarily in the United States under this section.

(b) LIMITATION ON EXERCISE OF AUTHORITY.—The authority of the Secretary of Defense under subsection (a) may be exercised only by the Secretary of Defense or another official of the Department of Defense at the level of Under Secretary of Defense or higher.

(c) CONDITIONS OF TRANSFER.—An individual who is temporarily transferred under the authority in subsection (a) shall—

(1) while in the United States, remain in the custody and control of the Secretary of Defense at all times; and

(2) be returned to United States Naval Station, Guantanamo Bay, Cuba, as soon as feasible after a Department of Defense physician determines, in consultation with the Commander, Joint Task Force-Guantanamo Bay, Cuba, that any necessary follow-up medical care may reasonably be provided the individual at United States Naval Station, Guantanamo Bay.

(d) STATUS WHILE IN UNITED STATES.—An individual who is temporarily transferred under the authority in subsection (a), while in the United States—

(1) shall be deemed at all times and in all respects to be in the uninterrupted custody of the Secretary of Defense, as though the individual remained physically at United States Naval Station, Guantanamo Bay, Cuba;

(2) shall not at any time be subject to, and may not apply for or obtain, or be deemed to enjoy, any right, privilege, status, benefit, or eligibility for any benefit under any provision of the immigration laws (as defined in section 101(a)(17) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(17)), or any other law or regulation;

(3) shall not be permitted to avail himself of any right, privilege, or benefit of any law of the United States beyond those available to individuals detained at United States Naval Station, Guantanamo Bay; and

(4) shall not, as a result of such transfer, have a change in any designation that may have attached to that detainee while detained at United States Naval Station, Guantanamo Bay, pursuant to the Authorization for Use of Military Force (Public Law 107-40), as determined in accordance with applicable law and regulations.

(e) NO CAUSE OF ACTION.—Any decision to transfer or not to transfer an individual made under the authority in subsection (a) shall not give rise to any claim or cause of action.

(f) LIMITATION ON JUDICIAL REVIEW.—

(1) LIMITATION.—Except as provided in paragraph (2), no court, justice, or judge shall have jurisdiction to hear or consider any claim or action against the United States or its departments, agencies, officers, employees, or agents arising from or relating to any aspect of the detention, transfer, treatment, or conditions of confinement of an individual transferred under this section.

(2) EXCEPTION FOR HABEAS CORPUS.—The United States District Court for the District of Columbia shall have exclusive jurisdiction to consider an application for writ of habeas corpus seeking release from custody filed by or on behalf of an individual who is in the United States pursuant to a temporary

transfer under the authority in subsection (a). Such jurisdiction shall be limited to that required by the Constitution, and relief shall be only as provided in paragraph (3). In such a proceeding the court may not review, halt, or stay the return of the individual who is the object of the application to United States Naval Station, Guantanamo Bay, Cuba, pursuant to subsection (c).

(3) RELIEF.—A court order in a proceeding covered by paragraph (2)—

(A) may not order the release of the individual within the United States; and

(B) shall be limited to an order of release from custody which, when final, the Secretary of Defense shall implement in accordance with section 1034 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 801 note).

(g) NOTIFICATION.—Whenever a temporary transfer of an individual detained at Guantanamo is made under the authority of subsection (a), the Secretary of Defense shall notify the Committees on Armed Services of the Senate and the House of Representatives of the transfer not later than five days after the date on which the transfer is made.

(h) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—In this section, the term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(1) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the control of the Department of Defense; or

(B) otherwise detained at United States Naval Station, Guantanamo Bay.

(i) APPLICABILITY.—This section shall apply to an individual temporarily transferred under the authority in subsection (a) regardless of the status of any pending or completed proceeding or detention on the date of the enactment of this Act.

#### **SEC. 1026. CHIEF MEDICAL OFFICER AT UNITED STATES NAVAL STATION, GUANTANAMO BAY, CUBA.**

(a) CHIEF MEDICAL OFFICER.—

(1) IN GENERAL.—There shall be at United States Naval Station, Guantanamo Bay, Cuba, a Chief Medical Officer of United States Naval Station, Guantanamo Bay (in this section referred to as the “Chief Medical Officer”).

(2) GRADE.—The individual serving as Chief Medical Officer shall be an officer of the Armed Forces who holds a grade not below the grade of colonel, or captain in the Navy.

(3) CHAIN OF COMMAND.—The Chief Medical Officer shall report to the Assistant Secretary of Defense for Health Affairs in the performance of duties and the exercise of powers of the Chief Medical Officer under this section.

(b) DUTIES.—

(1) IN GENERAL.—The Chief Medical Officer shall oversee the provision of medical care to individuals detained at Guantanamo.

(2) QUALITY OF CARE.—The Chief Medical Officer shall ensure that medical care provided as described in paragraph (1) meets applicable standards of care.

(c) POWERS.—

(1) IN GENERAL.—The Chief Medical Officer shall make medical determinations relating to medical care for individuals detained at Guantanamo, including—

(A) decisions regarding assessment, diagnosis, and treatment; and

(B) determinations concerning medical accommodations to living conditions and operating procedures for detention facilities.

(2) RESOLUTION OF DECLINATION TO FOLLOW DETERMINATIONS.—If the commander of Joint

Task Force Guantanamo declines to follow a determination of the Chief Medical Officer under paragraph (1), the matter covered by such determination shall be jointly resolved by the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict and the Assistant Secretary of Defense for Health Affairs not later than seven days after receipt of notification of the matter by either Assistant Secretary.

(3) SECURITY CLEARANCES.—The appropriate departments or agencies of the Federal Government shall, to the extent practicable in accordance with existing procedures and requirements, process expeditiously any application and adjudication for a security clearance required by the Chief Medical Officer to carry out the Chief Medical Officer's duties and powers under this section.

(d) ACCESS TO INDIVIDUALS, INFORMATION, AND ASSISTANCE.—

(1) IN GENERAL.—The Chief Medical Officer may secure directly from the Department of Defense access to any individual, information, or assistance that the Chief Medical Officer considers necessary to enable the Chief Medical Officer to carry out this section, including full access to the following:

(A) Any individual detained at Guantanamo.

(B) Any medical records of any individual detained at Guantanamo.

(C) Medical professionals of the Department who are working, or have worked, at United States Naval Station, Guantanamo Bay.

(2) ACCESS UPON REQUEST.—Upon request of the Chief Medical Officer, the Department shall make available to the Chief Medical Officer on an expeditious basis access to individuals, information, and assistance as described in paragraph (1).

(3) LACK OF EXPEDITIOUS AVAILABILITY.—If access to individuals, information, or assistance is not made available to the Chief Medical Officer upon request on an expeditious basis as required by paragraph (2), the Chief Medical Officer shall notify the Assistant Secretary of Defense for Health Affairs, who shall take actions to resolve the matter expeditiously.

(e) DEFINITIONS.—In this section:

(1) INDIVIDUAL DETAINED AT GUANTANAMO DEFINED.—The term “individual detained at Guantanamo” means an individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)) or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise detained at United States Naval Station, Guantanamo Bay.

(2) MEDICAL CARE.—The term “medical care” means physical and mental health care.

(3) STANDARD OF CARE.—The term “standard of care” means evaluation and treatment that is accepted by medical experts and reflected in peer-reviewed medical literature as the appropriate medical approach for a condition, symptoms, illness, or disease and that is widely used by healthcare professionals.

#### **Subtitle E—Miscellaneous Authorities and Limitations**

#### **SEC. 1031. CLARIFICATION OF AUTHORITY OF MILITARY COMMISSIONS UNDER CHAPTER 47A OF TITLE 10, UNITED STATES CODE, TO PUNISH CONTEMPT.**

(a) CLARIFICATION.—

(1) IN GENERAL.—Subchapter IV of chapter 47A of title 10, United States Code, is amend-

ed by adding at the end the following new section:

#### **“§ 949e-1. Contempt**

“(a) AUTHORITY TO PUNISH.—(1) With respect to any proceeding under this chapter, a judicial officer specified in paragraph (2) may punish for contempt any person who—

“(A) uses any menacing word, sign, or gesture in the presence of the judicial officer during the proceeding;

“(B) disturbs the proceeding by any riot or disorder; or

“(C) willfully disobeys a lawful writ, process, order, rule, decree, or command issued with respect to the proceeding.

“(2) A judicial officer referred to in paragraph (1) is any of the following:

“(A) Any judge of the United States Court of Military Commission Review.

“(B) Any military judge detailed to a military commission or any other proceeding under this chapter.

“(b) PUNISHMENT.—The punishment for contempt under subsection (a) may not exceed confinement for 30 days, a fine of \$1,000, or both.

“(c) REVIEW.—(1) A punishment under this section—

“(A) is not reviewable by the convening authority of a military commission under this chapter;

“(B) if imposed by a military judge, shall constitute a judgment, subject to review in the first instance only by the United States Court of Military Commission Review and then only by the United States Court of Appeals for the District of Columbia Circuit; and

“(C) if imposed by a judge of the United States Court of Military Commission Review, shall constitute a judgment of the court subject to review only by the United States Court of Appeals for the District of Columbia Circuit.

“(2) In reviewing a punishment for contempt imposed under this section, the reviewing court shall affirm such punishment unless the court finds that imposing such punishment was an abuse of the discretion of the judicial officer who imposed such punishment.

“(3) A petition for review of punishment for contempt imposed under this section shall be filed not later than 60 days after the date on which the authenticated record upon which the contempt punishment is based and any contempt proceedings conducted by the judicial officer are served on the person punished for contempt.

“(d) PUNISHMENT NOT CONVICTION.—Punishment for contempt is not a conviction or sentence within the meaning of section 949m of this title. The imposition of punishment for contempt is not governed by other provisions of this chapter applicable to military commissions, except that the Secretary of Defense may prescribe procedures for contempt proceedings and punishments, pursuant to the authority provided in section 949a of this title.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter IV of such chapter is amended by adding at the end the following new item:

“949e-1. Contempt.”

(b) CONFORMING AMENDMENTS.—Section 950t of title 10, United States Code, is amended—

(1) by striking paragraph (31); and

(2) by redesignating paragraph (32) as paragraph (31).

(c) RULE OF CONSTRUCTION.—The amendments made by subsections (a) and (b) shall not be construed to affect the lawfulness of any punishment for contempt adjudged prior to the effective date of such amendments.

(d) APPLICABILITY.—The amendments made by subsections (a) and (b) shall take effect on

the date of the enactment of this Act, and shall apply with respect to conduct by a person that occurs on or after such date.

**SEC. 1032. COMPREHENSIVE DEPARTMENT OF DEFENSE POLICY ON COLLECTIVE SELF-DEFENSE.**

(a) **COMPREHENSIVE POLICY REQUIRED.**—The Secretary of Defense shall prescribe a comprehensive written policy for the Department of Defense on the issuance of authorization for, and the provision by members and units of the United States Armed Forces of, collective self-defense to designated foreign nationals, their facilities, and their property.

(b) **ELEMENTS.**—The policy required by subsection (a) shall address the following:

(1) Each basis under domestic and international law pursuant to which a member or unit of the United States Armed Forces has been or may be authorized to provide collective self-defense to designated foreign nationals, their facilities, or their property under each circumstance as follows:

(A) Inside an area of active hostilities, or in a country or territory in which United States forces are authorized to conduct or support direct action operations.

(B) Outside an area of active hostilities, or in a country or territory in which United States forces are not authorized to conduct direct action military operations.

(C) When United States personnel, facilities, or equipment are not threatened, including both as described in subparagraph (A) and as described in subparagraph (B).

(D) When members of the United States Armed Forces are not participating in a military operation as part of an international coalition.

(E) Any other circumstance not encompassed by subparagraphs (A) through (D) in which a member or unit of the United States Armed Forces has been or may be authorized to provide such collective self-defense.

(2) A list and explanation of any limitations imposed by law or policy on the provision of collective self-defense to designated foreign nationals, their facilities, and their property under any of the bases in domestic or international law in the circumstances enumerated in paragraph (1), and the conditions under which any such limitation applies.

(3) The procedure by which a proposal that any member or unit of the United States Armed Forces provide collective self-defense in support of designated foreign nationals, their facilities, and their property is to be submitted, processed, and endorsed through offices, officers, and officials of the Department to the applicable approval authority for final decision, and a list of any information, advice, or opinion to be included with such proposal in order to inform appropriate action on such proposal by such approval authority.

(4) The title and duty position of any officers and officials of the Department empowered to render a final decision on a proposal described in paragraph (3), and the conditions applicable to, and limitations on, the exercise of such decisionmaking authority by each such officer or official.

(5) A description of the Rules of Engagement applicable to the provision of collective self-defense to designated foreign nationals, their facilities, and their property under any of the bases in domestic or international law in the circumstances enumerated in paragraph (1), and the conditions under which any such Rules of Engagement would be modified.

(6) A description of the process through which policy guidance pertaining to the authorization for, and the provision by members of the United States Armed Forces of, collective self-defense to designated foreign

nationals, their facilities, and their property is to be disseminated to the level of tactical execution.

(7) Such other matters as the Secretary considers appropriate.

(c) **REPORT ON POLICY.**—

(1) **IN GENERAL.**—Not later than 60 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report setting forth the policy required by subsection (a).

(2) **DoD GENERAL COUNSEL STATEMENT.**—The Secretary shall include in the report under paragraph (1) a statement by the General Counsel of the Department of Defense as to whether the policy prescribed pursuant to subsection (a) is consistent with domestic and international law.

(3) **FORM.**—The report required by paragraph (1) may be submitted in classified form.

(d) **BRIEFING ON POLICY.**—Not later than 30 days after the date of the submittal of the report required by subsection (c), the Secretary shall provide the congressional defense committees a classified briefing on the policy prescribed pursuant to subsection (a). The briefing shall make use of vignettes designed to illustrate real world application of the policy in each the circumstances enumerated in subsection (b)(1).

**SEC. 1033. OVERSIGHT OF DEPARTMENT OF DEFENSE EXECUTE ORDERS.**

(a) **REVIEW OF EXECUTE ORDERS.**—Upon a written request by the Chairman or Ranking Member of a congressional defense committee, the Secretary of Defense shall provide the committee, including appropriately designated staff of the committee, with an execute order approved by the Secretary or the commander of a combatant command for review within 30 days of receiving the written request.

(b) **EXCEPTION.**—

(1) **IN GENERAL.**—In extraordinary circumstances necessary to protect operations security, the sensitivity of the execute order, or other appropriate considerations, the Secretary may limit review of an execute order.

(2) **SUMMARY AND OTHER INFORMATION.**—In extraordinary circumstances described in paragraph (1) with respect to an execute order, the Secretary shall provide the committee concerned, including appropriately designated staff of the committee, a detailed summary of the execute order and other information necessary for the conduct of the oversight duties of the committee within 30 days of receiving the written request under subsection (a).

**SEC. 1034. PROHIBITION ON OWNERSHIP OR TRADING OF STOCKS IN CERTAIN COMPANIES BY DEPARTMENT OF DEFENSE OFFICERS AND EMPLOYEES.**

(a) **PROHIBITION ON OWNERSHIP AND TRADING BY CERTAIN SENIOR OFFICIALS.**—

(1) **PROHIBITION.**—An official of the Department of Defense described in paragraph (2) may not own or trade a publicly traded stock of a company if, during the preceding calendar year, the company received more than \$1,000,000,000 in revenue from the Department of Defense, including through one or more contracts with the Department.

(2) **DEPARTMENT OF DEFENSE OFFICIALS.**—An official of the Department of Defense described in this paragraph is any current Department of Defense official described by section 847(c) of the National Defense Authorization Act for Fiscal Year 2008 (10 U.S.C. 1701 note).

(3) **ADMINISTRATIVE ACTIONS.**—In the event that an official of the Department of Defense described in subsection (a) knowingly fails to comply with the requirements of this subsection, the Secretary of Defense may take administrative action against the official,

including suspension or termination, in accordance with the procedures otherwise applicable to administrative actions against such officials.

(b) **PROHIBITION ON OWNERSHIP AND TRADING BY ALL OFFICERS AND EMPLOYEES.**—An officer or employee of the Department of Defense may not own or trade a publicly traded stock of a company that is a contractor or subcontractor of the Department if the Office of Standards and Compliance of the Office of the General Counsel of the Department of Defense determines that the value of the stock may be directly or indirectly influenced by any official action of the officer or employee of the Department.

(c) **INAPPLICABILITY TO MUTUAL FUNDS.**—For purposes of this section, publicly-traded stock does not include a widely-held investment fund described in section 102(f)(8) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

**SEC. 1035. POLICY REGARDING THE TRANSITION OF DATA AND APPLICATIONS TO THE CLOUD.**

(a) **POLICY REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Chief Information Officer of the Department of Defense and the Chief Data Officer of the Department shall, in consultation with the J6 of the Joint Staff and the Chief Management Officer, develop and issue enterprise-wide policy and implementing instructions regarding the transition of data and applications to the cloud under the Department cloud strategy in accordance with subsection (b).

(b) **DESIGN.**—The policy required by subsection (a) shall be designed to dramatically improve support to operational missions and management processes, including by the use of artificial intelligence and machine learning technologies, by—

(1) making the data of the Department available to support new types of analyses;

(2) preventing, to the maximum extent practicable, the replication in the cloud of data stores that cannot readily be accessed by applications for which the data stores were not originally engineered;

(3) ensuring that data sets can be readily discovered and combined with others to enable new insights and capabilities; and

(4) ensuring that data and applications are readily portable and not tightly coupled to a specific cloud infrastructure or platform.

**SEC. 1036. MODERNIZATION OF INSPECTION AUTHORITIES APPLICABLE TO THE NATIONAL GUARD AND EXTENSION OF INSPECTION AUTHORITY TO THE CHIEF OF THE NATIONAL GUARD BUREAU.**

(a) **MODERNIZATION OF INSPECTION AUTHORITIES OF SECRETARIES OF THE ARMY AND AIR FORCE.**—Subsection (a) of section 105 of title 32, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “by him, the Secretary of the Army shall have” and inserting “by such Secretary, the Secretary of the Army and the Secretary of the Air Force shall each have”;

(B) by striking “, if necessary,”; and

(C) by striking “the Regular Army” and inserting “the Regular Army or the Regular Air Force”;

(2) by striking “Army National Guard” each place it appears and inserting “Army National Guard or Air National Guard”; and

(3) by striking the flush matter following paragraph (7).

(b) **INSPECTION AUTHORITY OF CHIEF OF THE NATIONAL GUARD BUREAU.**—Such section is further amended by adding at the end the following new subsection:

“(c) Under regulations prescribed by the Chief of the National Guard Bureau, the Chief of the National Guard Bureau may

have an inspection made by inspectors general, or by commissioned officers of the Army National Guard of the United States or the Air National Guard of the United States detailed for that purpose, in order to determine the following:

“(1) Whether the units and members of the Army National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Department of Defense, the Department of the Army, and the National Guard Bureau.

“(2) Whether the units and members of the Air National Guard comply with Federal law and policy applicable to the National Guard, including policies issued by the Department of Defense, the Department of the Air Force, and the National Guard Bureau.”.

**SEC. 1037. ENHANCEMENT OF AUTHORITIES ON FORFEITURE OF FEDERAL BENEFITS BY THE NATIONAL GUARD.**

(a) IN GENERAL.—The text of section 108 of title 32, United States Code, is amended to read as follows:

“(a) AVAILABILITY OF FUNDS CONTINGENT ON COMPLIANCE WITH FEDERAL LAW AND POLICY.—The availability of Federal funds provided to the National Guard of individual States is contingent upon compliance with Federal law and policy applicable to the National Guard.

“(b) BAR OF STATES FOR FAILURE TO COMPLY.—If, within a time fixed by the President, a State fails to comply with Federal law or policy applicable to the National Guard, a requirement of this title, or a regulation prescribed under this title, the National Guard of that State is barred, in whole or in part (as the President may prescribe), from receiving such money or other aid, benefit, or privilege authorized by law with respect to the National Guard of that State as the President may prescribe.

“(c) BAR OR WITHDRAWAL OF RECOGNITION OF OFFICERS FOR FAILURE TO COMPLY.—If, within a time fixed by the President, an officer of the National Guard fails to comply with Federal law or policy applicable to the National Guard, the President may bar the officer from receiving Federal funds, or withdraw the officer's Federal recognition under section 323 of this title.

“(d) BAR OR WITHDRAWAL OF RECOGNITION OF UNITS FOR FAILURE TO COMPLY.—If, within a time fixed by the President, a unit of the National Guard fails to comply with Federal law or policy applicable to the National Guard, the President may bar the unit from receiving Federal funds, or withdraw the unit's Federal recognition.

“(e) ADVANCE NOTICE TO CONGRESS ON FINAL ACTIONS.—Before taking a final action under subsection (c) or (d), President shall notify the Committees on Armed Services of the Senate and the House of Representatives of such final action.

“(f) LIMITATION ON DELEGATION OF FINAL ACTIONS.—The President may not delegate the authority to take a final action under subsection (c) or (d) to any official other than the Secretary of Defense.”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to amounts authorized to be appropriated for fiscal years that begin on or after that date.

**SEC. 1038. MODERNIZATION OF AUTHORITIES ON PROPERTY AND FISCAL OFFICERS OF THE NATIONAL GUARD.**

(a) PROPERTY AND FISCAL OFFICER FOR EACH STATE FROM NGB.—Section 708 of title 32, United States Code, is amended—

(1) by striking subsection (a) and inserting the following new subsection (a):

“(a) PROPERTY AND FISCAL OFFICER FOR EACH STATE.—(1) The Chief of the National Guard Bureau shall assign, designate, or detail, subject to the approval of the Secretary

of the Army or the Secretary of the Air Force, as applicable, a qualified commissioned officer ordered to active duty in the National Guard Bureau under section 12402(a) of title 10 to be the property and fiscal officer of each State, Territory, and the District of Columbia.

“(2)(A) An officer may not be assigned, designated, or detailed as the property and fiscal officer of a State, Territory, or the District of Columbia under paragraph (1) if the officer has served within such jurisdiction during the 36 months preceding such assignment, designation, or detail.

“(B) The Secretary of the Army or the Secretary of the Air Force may waive the applicability of subparagraph (A) to the assignment, designation, or detail of a particular officer if such Secretary considers the waiver to be in the best interests of the State, Territory, or District of Columbia, as applicable, concerned.

“(3) An officer assigned, designated, or detailed as a property and fiscal officer under paragraph (1) shall, while so serving as such an officer, serve in a grade commensurate with the functions and responsibilities of the officer, but not above the grade of colonel.”; and

(2) by striking subsection (d).

(b) SUPPORT STAFF.—Such section is further amended—

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

(2) by inserting after subsection (a), as amended by subsection (a) of this section, the following new subsection (b):

“(b) SUPPORT STAFF.—The Chief of the National Guard Bureau shall assign, designate, or detail other personnel of the National Guard Bureau to serve as the Federal support staff for the property and fiscal officer for the National Guard of each State, Territory, or the District of Columbia under subsection (a).”.

(c) RESPONSIBILITIES.—Subsection (c) of such section, as redesignated by subsection (b)(1) of this section, is amended—

(1) by inserting “RESPONSIBILITIES OF OFFICERS.” after “(c)”;

(2) in paragraph (1), by striking “he” and inserting “such officer”; and

(3) in paragraph (2), by inserting “, the Chief of Staff of the Army or the Chief of Staff of the Air Force (as applicable), or the Chief of the National Guard Bureau” before the period at the end.

(d) OTHER MATTERS.—Such section is further amended—

(1) by striking subsection (d), as redesignated by subsection (b)(1) of this section; and

(2) by striking subsection (e).

(e) INTRUSTMENT OF MONIES.—Such section is further amended—

(1) by redesignating subsection (f) as subsection (d); and

(2) in subsection (d), as so redesignated—

(A) by inserting “INTRUSTMENT OF MONIES.” after “(d)”;

(B) by striking “an officer” and inserting “a Federally recognized officer”;

(C) by striking “him” and inserting “such agent officer”; and

(D) by striking “he” and inserting “the agent officer”.

**SEC. 1039. LIMITATION ON PLACEMENT BY THE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS OF WORK WITH FEDERALLY FUNDED RESEARCH AND DEVELOPMENT CENTERS.**

(a) LIMITATION.—The Under Secretary of Defense for Personnel and Readiness may not place any work with a federally funded research and development center (FFRDC) until the Under Secretary submits to the Committees on Armed Services of the Senate and the House of Representatives a report on

all studies, reports, and other analyses being undertaken for the Under Secretary as of the date of the report by federally funded research and development centers.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) A list of each study, report, and analysis described by subsection (a).

(2) For each study, report, or analysis, the following:

(A) Title.

(B) Federally funded research and development center undertaking.

(C) Amount of contract.

(D) Anticipated completion date.

**SEC. 1040. TERMINATION OF REQUIREMENT FOR DEPARTMENT OF DEFENSE FACILITY ACCESS CLEARANCES FOR JOINT VENTURES COMPOSED OF PREVIOUSLY-CLEARED ENTITIES.**

A clearance for access to a Department of Defense installation or facility may not be required for a joint venture if that joint venture is composed entirely of entities that are currently cleared for access to such installation or facility.

**SEC. 1041. DESIGNATION OF DEPARTMENT OF DEFENSE STRATEGIC ARCTIC PORTS.**

(a) FINDINGS.—Congress makes the following findings:

(1) The strategic importance of the Arctic continues to increase as the United States and other countries recognize the military significance of the sea lanes and choke points within the region and understand the potential for power projection from the Arctic into multiple regions.

(2) On January 19, 2018, Secretary of Defense James Mattis released the document titled “2018 National Defense Strategy of the United States of America” in which the Secretary outlined the reemergence of long-term, strategic competition by countries classified by the National Security Strategy as revisionist powers.

(3) Russia and China have conducted military exercises together in the Arctic, have agreed to connect the Northern Sea Route, claimed by Russia, with China's Maritime Silk Road, and are working together in developing natural gas resources in the Arctic.

(4) The Government of the Russian Federation—

(A) has prioritized the development of Arctic capabilities and has made significant investments in military infrastructure in the Arctic, including the creation of a new Arctic Command and the construction or refurbishment of 16 deepwater ports and 14 airfields in the region;

(B) has approximately 40 icebreakers as of May 2019, including several nuclear-powered icebreakers, is currently constructing four icebreakers, and is planning to build an additional eight icebreakers; and

(C) conducted the largest military exercise since the 1980s, Vostok 2018, which included—

(i) 300,000 troops;

(ii) 1,000 aircraft;

(iii) 80 ships;

(iv) 36,000 vehicles; and

(v) notably, 3,200 Chinese troops, 30 Chinese rotary and fixed-wing aircraft, and 900 Chinese tanks.

(5) The Government of the People's Republic of China—

(A) released, in January 2018, its new Arctic Strategy, the Polar Silk Road, in which it declares itself as a “near-Arctic state”, even though its nearest territory to the Arctic is 900 miles away;

(B) has publicly stated that it seeks to expand its “Belt and Road Initiative” to the Arctic region, including current investment in the natural gas fields in the Yamal Peninsula in Russia, rare-earth element mines in Greenland, and the real estate, alternative energy, and fisheries in Iceland; and



(C) has shown great interest in expanding its Arctic presence, including through—

(i) the operation of research vessels in the region;

(ii) the recent construction of the Xuelong 2, or Snow Dragon II, the only polar research boat vessel in the world that can break ice while going forward or backward;

(iii) a freedom of navigation operation in the Aleutian Islands in 2015; and

(iv) its recent plans to develop a 33,000 ton nuclear-powered icebreaker.

(6) The economic significance of the Arctic continues to grow as countries around the globe begin to understand the potential for maritime transportation through, and economic and trade development in, the region.

(7) The Arctic is home to 13 percent of the world's undiscovered oil, 30 percent of its undiscovered gas, an abundance of uranium, rare earth minerals, gold, diamonds, and millions of square miles of untapped resources, including abundant fisheries.

(8) The Bering Strait is experiencing significant increases in international traffic from vessels transiting the Northern Sea Route, increases which are projected to continue if decreases in sea ice coverage continue.

(9) Along a future ice-free Arctic shipping route, a ship sailing from South Korea to Germany would have an average travel time of just 23 days, compared to 34 days via the Suez Canal and 46 days via the Cape of Good Hope.

(10) In a speech at the Arctic Forum in September 2011, Russian Federation President Vladimir Putin highlighted the Northern Sea Route as a potential alternative to the Suez Canal and has publicly stated plans to invest \$11,400,000,000 along the Northern Sea Route by 2024.

(11) Increases in human, maritime, and resource development activity in the Arctic region are expected to create additional mission requirements for the Department of Defense and the Department of Homeland Security, given—

(A) the strategic focus of the Government of the Russian Federation and the Government of the People's Republic of China on the Arctic;

(B) overlapping territorial claims; and

(C) the potential for maritime accidents, oil spills, and illegal fishing near the exclusive economic zone of the United States.

(12) The increasing role of the United States in the Arctic has been highlighted in each of the last four National Defense Authorization Acts.

(13) Section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 992) required a new Department of Defense strategy to protect United States national security interests in the Arctic region.

(14) Section 1095 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2438) required the Department of Defense to create criteria to designate a Department of Defense Strategic Arctic Port.

(15) Section 122 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1310) authorized the procurement of one polar-class heavy icebreaker vessel.

(16) Section 151 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) authorized the procurement of five additional polar-class icebreaker vessels and expressed that the Coast Guard should—

(A) maintain an inventory of not fewer than six polar-class icebreaker vessels;

(B) award a contract for the first new polar-class icebreaker not later than fiscal

year 2019 and deliver the icebreaker not later than fiscal year 2023; and

(C) deliver the second through sixth polar-class icebreakers at a rate of one vessel per year in fiscal years 2025 through 2029.

(17) In January 2017, the Department of Defense released a report entitled "Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region" to update "the ways and means" the Department of Defense intends to use to achieve its objectives as it implements the 2013 National Strategy for the Arctic Region, including—

(A) enhancing the capability of United States forces to defend the homeland and exercise sovereignty;

(B) strengthening deterrence at home and abroad;

(C) preserving freedom of the seas in the Arctic; and

(D) evolving the infrastructure and capabilities of the Department in the Arctic consistent with changing conditions and needs.

(18) The United States Coast Guard Arctic Strategic Outlook released in April 2019 states, "Demonstrating commitment to operational presence, Canada, Denmark, and Norway have made strategic investments in ice-capable patrol ships charged with national or homeland security missions. [The United States] is the only Arctic State that has not made similar investments in ice-capable surface maritime security assets. This limits the ability of the Coast Guard, and the Nation, to credibly uphold sovereignty or respond to contingencies in the Arctic".

(19) On January 12, 2017, Secretary of Defense James Mattis stated, "The Arctic is key strategic terrain . . . Russia is taking aggressive steps to increase its presence there . . . I will prioritize the development of an integrated strategy for the Arctic. I believe that our interests and the security of the Arctic would benefit from increasing the focus of the Department of Defense on this region".

(20) On January 9, 2019, Secretary of the Air Force Heather Wilson and Chief of Staff of the Air Force General David Goldfein wrote, ". . . the Arctic has become even more important to the nation. Both a northern approach to the United States, as well as a critical location for projecting American power, its geo-strategic significance is difficult to overstate".

(21) On February 26, 2019, General John Hyten, Commander of the United States Strategic Command, stated, "In particular, the Arctic is an area that we really need to focus on and really look at investing. That is no longer a buffer zone. We need to be able to operate there. We need to be able to communicate there. We need to have a presence there that we have not invested in in the same way that our adversaries have. And they see that as a vulnerability from us, whereas it is becoming a strength for them and it is a weakness for us, we need to flip that equation".

(22) On February 26, 2019, General Terrence O'Shaughnessy, Commander of the United States Northern Command stated, "It has become clear that defense of the homeland depends on our ability to detect and defeat threats operating both in the Arctic and passing through the Arctic. Russia's fielding of advanced, long-range cruise missiles capable of flying through the northern approaches and striking targets in the United States and Canada has emerged as the dominant military threat in the Arctic. . . . Meanwhile, China has declared that it is not content to remain a mere observer in the Arctic and has taken action to normalize its naval and commercial presence in the region in order to increase its access to lucrative resources and shipping routes. I view the

Arctic as the front line in the defense of the United States and Canada . . .".

(23) On May 6, 2019, Admiral Karl Schultz, Commandant of the Coast Guard stated, "We talk about the Arctic as a competitive space. We've seen China, we see Russia investing extensively. China built icebreakers in the time since we updated our strategy. China's been operating off the Alaskan Arctic for a good part of the last six years on an annual basis. [The Coast Guard is] championing increased capabilities in the Arctic . . . better communications, better domain awareness . . . . I want to see the Arctic remain a peaceful domain. China's a self-declared Arctic state. They're not one of the eight Arctic nations, so for me, for the service, its presence equals influence".

(24) On May 6, 2019, Secretary of State Mike Pompeo stated that—

(A) the Arctic "has become an arena for power and for competition", and the United States is "entering a new age of strategic engagement in the Arctic, complete with new threats to the Arctic and its real estate, and to all of our interests in that region.";

(B) "Arctic sea lanes could become the 21st century Suez and Panama Canals.";

(C) "We're concerned about Russia's claim over the international waters of the Northern Sea Route, including its newly announced plans to connect it with China's Maritime Silk Road.";

(D) "In the Northern Sea Route, Moscow already illegally demands other nations request permission to pass, requires Russian maritime pilots to be aboard foreign ships, and threatens to use military force to sink any that fail to comply with their demands.";

(E) there is a "pattern of aggressive Russian behavior here in the Arctic" and "we know Russian territorial ambitions can turn violent"; and

(F) we do not want "the Arctic Ocean to transform into a new South China Sea, fraught with militarization and competing territorial claims", nor do we want "the fragile Arctic environment exposed to the same ecological devastation caused by China's fishing fleet in the seas off its coast, or unregulated industrial activity in its own country".

(25) On December 6, 2018, Secretary of the Navy Richard Spencer stated, "We need to have a strategic Arctic port up in Alaska. We need to be doing FONOPs in the northwest—in the northern passage. . . . peace through presence with a submarine is a little tough".

(26) Meanwhile, the two closest strategic seaports, as designated by the Department of Defense, to the Arctic Circle are the Port of Anchorage and the Port of Tacoma, located approximately 1,500 nautical miles and 2,400 nautical miles away, respectively, and approximately 1,900 nautical miles and 2,800 nautical miles respectively from Barrow, Alaska.

(27) The distance from Bangor, Maine, to Key West, Florida, is approximately 1,450 nautical miles.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Arctic is a region of strategic importance to the national security interests of the United States and the Department of Defense must better align its presence, force posture, and capabilities to meet the growing array of challenges in the region; and

(2) although much progress has been made to increase awareness of Arctic issues and to promote increased presence in the region, additional measures, including the designation of one or more strategic Arctic ports, are needed to show the commitment of the United States to this emerging strategic choke point of future great power competition.

## (c) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall submit to the congressional defense committees a report evaluating potential sites for one or more strategic ports in the Arctic.

(2) ELEMENTS.—Consistent with the updated military strategy for the protection of United States national security interests in the Arctic region set forth in the report required under section 1068 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 992), the report required under paragraph (1) shall include—

(A) an evaluation of the amount of sufficient and suitable space needed to create capacity for port and other necessary infrastructure for at least one of each of type of Navy or Coast Guard vessel, including an Arleigh Burke class destroyer of the Navy, a national security cutter, and a heavy polar ice breaker of the Coast Guard;

(B) an evaluation of the amount of sufficient and suitable space needed to create capacity for equipment and fuel storage, technological infrastructure, and civil infrastructure to support military and civilian operations, including—

- (i) aerospace warning;
- (ii) maritime surface and subsurface warning;
- (iii) maritime control and defense;
- (iv) maritime domain awareness;
- (v) homeland defense;
- (vi) defense support to civil authorities;
- (vii) humanitarian relief;
- (viii) search and rescue;
- (ix) disaster relief;
- (x) oil spill response;
- (xi) medical stabilization and evacuation; and
- (xii) meteorological measurements and forecasting;

(C) an identification of proximity and road access required to an airport designated as a commercial service airport by the Federal Aviation Administration that is capable of supporting military and civilian aircraft for operations designated in subparagraph (B);

(D) a description of the requirements, to include infrastructure and installations, communications, and logistics necessary to improve response effectiveness to support military and civilian operations described in subparagraph (B);

(E) an identification of the sites that the Secretary recommends as potential sites for designation as Department of Defense Strategic Arctic Ports;

(F) the estimated cost of sufficient construction necessary to initiate and sustain expected operations at such sites; and

(G) such other information as the Secretary deems relevant.

(d) DESIGNATION OF STRATEGIC ARCTIC PORTS.—Not later than 90 days after the date on which the report required under subsection (c) is submitted, the Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff, the Commanding General of the United States Army Corps of Engineers, the Commandant of the Coast Guard, and the Administrator of the Maritime Administration, shall designate one or more ports as Department of Defense Strategic Arctic Ports from the sites identified under subsection (c)(2)(E).

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to authorize any additional appropriations for the De-

partment of Defense for the establishment of any port designated pursuant to this section.

(f) ARCTIC DEFINED.—In this section, the term “Arctic” has the meaning given that term in section 112 of the Arctic Research and Policy Act of 1984 (15 U.S.C. 4111).

#### SEC. 1042. EXTENSION OF NATIONAL SECURITY COMMISSION ON ARTIFICIAL INTELLIGENCE.

(a) EXTENSION.—Subsection (e) of section 1051 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1962) is amended by striking “October 1, 2020” and inserting “March 1, 2021”.

(b) REPORTS.—Subsection (c) of such section is amended—

(1) in paragraph (1), by striking “Not later than 180 days after the date of the enactment of this Act” and inserting “Not later than August 1, 2019”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (1) the following new paragraphs:

“(2) INTERIM REPORTS.—Not later than each of December 1, 2019, and December 1, 2020, the Commission shall submit as described in that paragraph an interim report on the review required under subsection (b).

“(3) FINAL REPORT.—Not later than March 1, 2021, the Commission shall submit as described in paragraph (1) a comprehensive final report on the review required under subsection (b).”.

#### SEC. 1043. AUTHORITY TO TRANSFER FUNDS FOR BIEN HOA DIOXIN CLEANUP.

(a) TRANSFER AUTHORITY.—Notwithstanding section 2215 of title 10, United States Code, the Secretary of Defense may transfer to the Secretary of State, for use by the United States Agency for International Development, amounts to be used for the Bien Hoa dioxin cleanup in Vietnam.

(b) LIMITATION ON AMOUNT.—Not more than \$15,000,000 may be transferred in fiscal year 2020 under the authority in subsection (a).

(c) ADDITIONAL TRANSFER AUTHORITY.—The transfer authority in subsection (a) is in addition to any other transfer authority available to the Department of Defense.

#### SEC. 1044. LIMITATION ON USE OF FUNDS TO HOUSE CHILDREN SEPARATED FROM PARENTS.

(a) IN GENERAL.—None of the amounts authorized to be appropriated by this Act to the Department of Defense for fiscal year 2020 may be used to house a child separated from a parent.

(b) CHILD SEPARATED FROM A PARENT DEFINED.—The term “child separated from a parent” means a person who—

(1) entered the United States, before attaining 18 years of age, at a port of entry or between ports of entry; and

(2) was separated from his or her parent or legal guardian by the Department of Homeland Security, and the Department of Homeland Security failed to demonstrate in a hearing that the parent or legal guardian was unfit or presented a danger to the child.

#### Subtitle F—Studies and Reports

#### SEC. 1051. MODIFICATION OF ANNUAL REPORTING REQUIREMENTS ON DEFENSE MANPOWER.

(a) CONVERSION OF ANNUAL REQUIREMENTS REPORT INTO ANNUAL PROFILE REPORT.—Section 115a of title 10, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking the first two sentences and inserting the following new sentence: “Not later than April 1 each year, the Secretary of Defense shall submit to Congress a defense manpower profile report.”;

(B) in paragraph (1), by adding “and” at the end;

(C) in paragraph (2), by striking “; and” and inserting a period; and

(D) by striking paragraph (3);

(2) in subsection (b)—

(A) by striking “(1)”;

(B) by striking paragraphs (2) and (3);

(3) in subsection (c), by striking “the following:” and all that follows and inserting “the manpower required for support and overhead functions within the armed forces and the Department of Defense.”;

(4) by striking subsections (e) and (h); and

(5) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

(b) CONVERSION OF CERTAIN CURRENT REPORT ELEMENTS INTO SEPARATE, MODIFIED REPORTS.—Such section is further amended—

(1) in subsection (e), as redesignated by subsection (a)(5) of this section—

(A) in the matter preceding paragraph (1), by striking “The Secretary shall also include in each such report” and inserting “Not later than June 1 each year, the Secretary shall submit to Congress a report that sets forth”;

(B) in paragraph (1), by striking “and estimates of such numbers for the current fiscal year and subsequent fiscal years”;

(2) in subsection (f), as so redesignated—

(A) in the matter preceding paragraph (1), by striking “In each report submitted under subsection (a), the Secretary shall also include a detailed discussion” and inserting “Not later than September 1 each year, the Secretary shall submit to Congress a report that sets forth a detailed discussion, current as of the preceding fiscal year”;

(B) by striking “the year” each place it appears and inserting “the fiscal year”.

(c) CONFORMING AND CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

“§ 115a. Annual defense manpower profile report and related reports”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 3 of such title is amended by striking the item relating to section 115a and inserting the following new item:

“115a. Annual defense manpower profile report and related reports.”.

#### SEC. 1052. REPORT ON DEPARTMENT OF DEFENSE EFFORTS TO IMPLEMENT A FORCE PLANNING PROCESS IN SUPPORT OF IMPLEMENTATION OF THE 2018 NATIONAL DEFENSE STRATEGY.

(a) REPORT REQUIRED.—Not later than February 1, 2020, the Under Secretary of Defense for Policy shall submit to the congressional defense committees a report setting forth the plan and processes of the Department of Defense to provide analytic support to senior leaders of the Department for the force planning required to implement the 2018 National Defense Strategy. The analytic support shall be designed to weigh options, examine trade-offs across the joint force, and drive decisions on force sizing, shaping, capability, and concept development in order to address the threats outlined in the 2018 National Defense Strategy.

(b) ELEMENTS.—The report required by subsection (a) shall include an assessment of the following:

(1) The major elements, products, and milestones of the force planning process of the Department.

(2) The conclusions and recommendations of the Defense Planning and Analysis Community initiative.

(3) The progress of the Department in implementing the recommendations of the Comptroller General of the United States set forth in Government Accountability Office Report GAO-19-40C.

(4) The progress of the Under Secretary, the Chairman of the Joint Chiefs of Staff,

and the Director of Cost Assessment and Program Evaluation in implementing paragraph (5) of section 134(b) of title 10, United States Code, as added by section 902(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

**SEC. 1053. EXTENSION OF ANNUAL REPORTS ON CIVILIAN CASUALTIES IN CONNECTION WITH UNITED STATES MILITARY OPERATIONS.**

Section 1057(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1572) is amended by striking “the date this is five years after the date of the enactment of this Act” and inserting “December 31, 2025”.

**SEC. 1054. REPORT ON JOINT FORCE PLAN FOR IMPLEMENTATION OF STRATEGIES OF THE DEPARTMENT OF DEFENSE FOR THE ARCTIC.**

(a) IN GENERAL.—Not later than 270 days after the date on which the Secretary of Defense submits to the congressional defense committees the report on an updated Arctic strategy to improve and enhance joint operations required by section 1071 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), the Secretary of Defense shall, in coordination with the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force, submit to the congressional defense committees a joint force plan for implementation of the following:

(1) The December 2016 Report to Congress on the Strategy to Protect United States National Security Interests in the Arctic Region.

(2) The updated Arctic strategy to improve and enhance joint operations.

(b) ELEMENTS.—The report required by subsection (a) shall include the following in connection with the strategies for the Arctic referred to in that subsection:

(1) A description of the specific means for—

(A) enhancing the capability of the Armed Forces to defend the homeland and exercise sovereignty;

(B) strengthening deterrence at home and abroad;

(C) strengthening alliances and partnerships;

(D) preserving freedom of the seas in the Arctic;

(E) engaging public, private, and international partners to improve domain awareness in the Arctic;

(F) developing Department of Defense Arctic infrastructure and capabilities consistent with changing conditions and needs;

(G) providing support to civil authorities, as directed;

(H) partnering with other departments, agencies, and countries to support human and environmental security; and

(I) supporting international institutions that promote regional cooperation and the rule of law.

(2) An analysis of the operational and contingency plans for the protection of United States national security interests in the Arctic region.

(3) A description of training, capability, and resource gaps that must be addressed to execute each mission described in the updated Arctic strategy.

(4) A description of the current and projected Arctic capabilities of the Russian Federation and the People's Republic of China, and an analysis of United States capabilities for satisfying—

(A) each mission described in the updated Arctic strategy; and

(B) the strategic objectives in the National Defense Strategy.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1055. REPORT ON USE OF NORTHERN TIER BASES IN IMPLEMENTATION OF ARCTIC STRATEGY OF THE UNITED STATES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of the Air Force, shall submit to the congressional defense committees a report outlining how bases in the northern latitudes, including Northern Tier bases, may be used in the implementation of—

(1) recommendations included in the report submitted by the Secretary of Defense to Congress in December 2016 entitled “Report to Congress on Strategy to Protect United States National Security Interests in the Arctic Region”; and

(2) the updated Arctic strategy to improve and enhance joint operations required to be submitted to the congressional defense committees under section 1071 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232).

(b) INCLUSION OF MISSION SETS.—The report under subsection (a) shall include a description of current and future mission sets at Northern Tier bases that may further the Arctic strategy of the United States.

(c) NORTHERN TIER BASES DEFINED.—In this section, the term “Northern Tier bases” means installations in the continental United States that are located in States bordering Canada.

**SEC. 1056. REPORT ON THE DEPARTMENT OF DEFENSE PLAN FOR MASS-CASUALTY DISASTER RESPONSE OPERATIONS IN THE ARCTIC.**

(a) SENSE OF SENATE.—It is the sense of the Senate that—

(1) the Department of Defense may be called upon to support the Coast Guard and other agencies of the Department of Homeland Security in responding to any mass-casualty disaster response operations in the Arctic;

(2) coordination between the Department of Defense and the Coast Guard might be necessary for responding to a mass-casualty event in the Arctic; and

(3) prior planning for Arctic mass-casualty disaster response operations will bolster the response of the Federal Government to a mass-casualty disaster in the Arctic environment.

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Secretary of Homeland Security, submit to the appropriate committees of Congress a report on the plan of the Department of Defense for assisting mass-casualty disaster response operations in the Arctic.

(c) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) A description of the assets that could be made available to support other agencies and departments of the Federal Government for mass-casualty disaster response operations in the Arctic.

(2) A description and assessment of the command, control, and coordination relationships that would be useful to integrate rescue forces for such operations from multiple departments and agencies of the Federal Government.

(3) A description and assessment of the communications assets that could be made available in support of other agencies and departments of the Federal Government for communication and coordination in such operations.

(4) A description of any cooperative arrangements with Canada and other regional partners in providing rescue assets and infrastructure in connection with such operations.

(5) A description of available medical infrastructure and assets that could be made available in support of other agencies and departments of the Federal Government for aeromedical evacuation in connection with such operations.

(6) A description of available shelter locations that could be made available in support of other agencies and departments of the Federal Government for use in connection with such operations, including the number of people that can be sheltered per location.

(7) An assessment of logistical challenges that evacuations from the Arctic in connection with such operations entail, including potential rotary and fixed-wing aircraft trans-load locations and onward movement requirements.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

**SEC. 1057. ANNUAL REPORTS ON APPROVAL OF EMPLOYMENT OR COMPENSATION OF RETIRED GENERAL OR FLAG OFFICERS BY FOREIGN GOVERNMENTS FOR EMOLUMENTS CLAUSE PURPOSES.**

(a) ANNUAL REPORTS.—Section 908 of title 37, United States Code, is amended by adding at the end the following new subsection:

“(d) ANNUAL REPORTS ON APPROVALS FOR RETIRED GENERAL AND FLAG OFFICERS.—(1) Not later than January 31 each year, the Secretaries of the military departments shall jointly submit to the appropriate committees and Members of Congress a report on each approval under subsection (b) for employment or compensation described in subsection (a) for a retired member of the armed forces in a general or flag officer grade that was issued during the preceding year.

“(2) In this subsection, the appropriate committees and Members of Congress are—

“(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate;

“(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives;

“(C) the Majority Leader and the Minority Leader of the Senate; and

“(D) the Speaker of the House of Representatives and the Minority Leader of the House of Representatives.”.

(b) SCOPE OF FIRST REPORT.—The first report submitted pursuant to subsection (d) of section 908 of title 37, United States Code (as added by subsection (a) of this section), after the date of the enactment of this Act shall cover the five-year period ending with the year before the year in which such report is submitted.

**SEC. 1058. TRANSMITTAL TO CONGRESS OF REQUESTS FOR ASSISTANCE RECEIVED BY THE DEPARTMENT OF DEFENSE FROM OTHER DEPARTMENTS.**

(a) REQUESTS FOR ASSISTANCE.—Not later than seven calendar days after the receipt by the Department of Defense of a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, the Secretary of Defense shall electronically transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such Request for Assistance.

(b) RESPONSES TO REQUESTS.—At the same time the Secretary of Defense submits to the

Secretary of Homeland Security or the Secretary of Health and Human Services an official response of the Department of Defense to a Request for Assistance from the Department of Homeland Security or the Department of Health and Human Services, as applicable, the Secretary of Defense shall transmit to the Committees on Armed Services of the Senate and the House of Representatives a copy of such official response.

**SEC. 1059. SEMIANNUAL REPORT ON CONSOLIDATED ADJUDICATION FACILITY OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY.**

Not less frequently than once every six months until the Director of the Defense Counterintelligence and Security Agency determines that a steady-state level has been achieved for the Consolidated Adjudication Facility of the Agency, the Director shall submit to the congressional defense committees a report on inventory and timeliness metrics relating to such facility.

**SEC. 1060. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON POST-GOVERNMENT EMPLOYMENT OF FORMER DEPARTMENT OF DEFENSE OFFICIALS.**

Not later than 90 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate a review updating the information and findings contained in the May 2008 Government Accountability Office report entitled, "Defense Contracting: Post-Government Employment of Former DOD Officials Needs Greater Transparency" (GAO-08-485). The Comptroller General shall provide an interim briefing on the status of the review to the congressional defense committees not later than December 31, 2020, with a report to follow by a date agreed upon with the committees.

**Subtitle G—Treatment of Contaminated Water Near Military Installations**

**SEC. 1071. SHORT TITLE.**

This subtitle may be cited as the "Prompt and Fast Action to Stop Damages Act of 2019".

**SEC. 1072. DEFINITIONS.**

In this subtitle:

(1) PFOA.—The term "PFOA" means perfluorooctanoic acid.

(2) PFOS.—The term "PFOS" means perfluorooctane sulfonate.

**SEC. 1073. PROVISION OF WATER UNCONTAMINATED WITH PERFLUOROOCTANOIC ACID (PFOA) AND PERFLUOROOCTANE SULFONATE (PFOS) FOR AGRICULTURAL PURPOSES.**

(a) AUTHORITY.—

(1) IN GENERAL.—Using amounts authorized to be appropriated or otherwise made available for operation and maintenance for the military department concerned, or for operation and maintenance Defense-wide in the case of the Secretary of Defense, the Secretary concerned may provide water sources uncontaminated with perfluoroalkyl and polyfluoroalkyl substances, including PFOA and PFOS, or treatment of contaminated waters, for agricultural purposes used to produce products destined for human consumption in an area in which a water source has been determined pursuant to paragraph (2) to be contaminated with such compounds by reason of activities on a military installation under the jurisdiction of the Secretary concerned.

(2) APPLICABLE STANDARD.—For purposes of paragraph (1), an area is determined to be contaminated with PFOA or PFOS if—

(A) the level of contamination is above the Lifetime Health Advisory for contamination with such compounds issued by the Environmental Protection Agency and printed in the Federal Register on May 25, 2016; or

(B) on or after the date the Food and Drug Administration sets a standard for PFOA and PFOS in raw agricultural commodities and milk, the level of contamination is above such standard.

(b) SECRETARY CONCERNED DEFINED.—In this section, the term "Secretary concerned" means the following:

(1) The Secretary of the Army, with respect to the Army.

(2) The Secretary of the Navy, with respect to the Navy, the Marine Corps, and the Coast Guard (when it is operating as a service in the Navy).

(3) The Secretary of the Air Force, with respect to the Air Force.

(4) The Secretary of Defense, with respect to the Defense Agencies.

**SEC. 1074. ACQUISITION OF REAL PROPERTY BY AIR FORCE.**

(a) AUTHORITY.—

(1) IN GENERAL.—The Secretary of the Air Force may acquire one or more parcels of real property within the vicinity of an Air Force base that has shown signs of contamination from PFOA and PFOS due to activities on the base and which would extend the contiguous geographic footprint of the base and increase the force protection standoff near critical infrastructure and runways.

(2) IMPROVEMENTS AND PERSONAL PROPERTY.—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to purchase improvements and personal property located on that real property.

(3) RELOCATION EXPENSES.—The authority under paragraph (1) to acquire real property described in that paragraph shall include the authority to provide Federal financial assistance for moving costs, relocation benefits, and other expenses incurred in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).

(b) ENVIRONMENTAL ACTIVITIES.—The Air Force shall conduct such activities at a parcel or parcels of real property acquired under subsection (a) as are necessary to remediate contamination from PFOA and PFOS related to activities at the Air Force base.

(c) FUNDING.—Funds for the land acquisitions authorized under subsection (a) shall be derived from amounts authorized to be appropriated for fiscal year 2020 for military construction or the unobligated balances of appropriations for military construction that are enacted after the date of the enactment of this Act.

(d) RULE OF CONSTRUCTION.—The authority under this section constitutes authority to carry out land acquisitions for purposes of section 2802 of title 10, United States Code.

**SEC. 1075. REMEDIATION PLAN.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a remediation plan for cleanup of all water at or adjacent to a military base that is contaminated with PFOA or PFOS.

(b) STUDY.—In preparing the remediation plan under subsection (a), the Secretary shall conduct a study on the contamination of water at military bases with PFOA or PFOS.

(c) BUDGET AMOUNT.—The Secretary shall ensure that each budget of the President submitted to Congress under section 1105(a) of title 31, United States Code, requests funding in amounts necessary to address remediation efforts under the remediation plan submitted under subsection (a).

**Subtitle H—Other Matters**

**SEC. 1081. REVISION TO AUTHORITIES RELATING TO MAIL SERVICE FOR MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIANS OVERSEAS.**

(a) ELIGIBILITY FOR FREE MAIL.—Section 3401(a) of title 39, United States Code, is amended to read as follows:

"(a)(1) First-class letter mail having the character of personal correspondence shall be carried, at no cost to the sender, in the manner provided by this section, when mailed by an eligible individual described in paragraph (2) and addressed to a place within the delivery limits of a United States post office, if—

"(A) such letter mail is mailed by the eligible individual at an Armed Forces post office established in an overseas area designated by the President, where the Armed Forces of the United States are deployed for a contingency operation as determined by the Secretary of Defense; or

"(B) the eligible individual is hospitalized as a result of disease or injury incurred as a result of service in an overseas area designated by the President under subparagraph (A).

"(2) An eligible individual described in this paragraph is—

"(A) a member of the Armed Forces of the United States on active duty, as defined in section 101 of title 10; or

"(B) a civilian employee of the Department of Defense or a military department who is providing support to military operations."

(b) SURFACE SHIPMENT OF MAIL AUTHORIZED.—Section 3401 of title 39, United States Code, is amended—

(1) by striking subsection (c);

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively; and

(3) by amending subsection (b) to read as follows:

"(b) There shall be transported by surface or air, consistent with the service purchased by the mailer, between Armed Forces post offices or from an Armed Forces post office to a point of entry into the United States, the following categories of mail matter which are mailed at any such Armed Forces post office:

"(1) Letter mail communications having the character of personal correspondence.

"(2) Any parcel exceeding 1 pound in weight but less than 70 pounds in weight and less than 130 inches in length and girth combined.

"(3) Publications published not less frequently than once per week and featuring principally current news of interest to members of the Armed Forces of the United States and the general public."

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) Section 3401 of title 39, United States Code, is amended in the section heading by striking "**and of friendly foreign nations**".

(2) The table of sections for chapter 34 of title 39, United States Code, is amended by striking the item relating to section 3401 and inserting the following:

"3401. Mailing privileges of members of Armed Forces of the United States."

**SEC. 1082. ACCESS TO AND USE OF MILITARY POST OFFICES BY UNITED STATES CITIZENS EMPLOYED OVERSEAS BY THE NORTH ATLANTIC TREATY ORGANIZATION WHO PERFORM FUNCTIONS IN SUPPORT OF MILITARY OPERATIONS OF THE ARMED FORCES.**

Section 406 of title 39, United States Code, is amended by adding at the end the following:

"(c)(1) The Secretary of Defense may authorize the use of a post office established

under subsection (a) in a location outside the United States by citizens of the United States—

“(A) who—  
“(i) are employed by the North Atlantic Treaty Organization; and

“(ii) perform functions in support of the Armed Forces of the United States; and

“(B) if the Secretary makes a written determination that such use is—

“(i) in the best interests of the Department of Defense; and

“(ii) otherwise authorized by applicable host nation law or agreement.

“(2) No funds may be obligated or expended to establish, maintain, or expand a post office established under subsection (a) for the purpose of use described in paragraph (1) of this subsection.”.

#### **SEC. 1083. GUARANTEE OF RESIDENCY FOR SPOUSES OF MEMBERS OF UNIFORMED SERVICES.**

(a) IN GENERAL.—Title VI of the Servicemembers Civil Relief Act (50 U.S.C. 4021 et seq.) is amended by adding at the end the following new section:

#### **“SEC. 707. GUARANTEE OF RESIDENCY FOR SPOUSES OF SERVICEMEMBERS.**

“For the purposes of establishing the residency of a spouse of a servicemember for any purpose, the spouse of a servicemember may elect to use the same residence as the servicemember regardless of the date on which the marriage of the spouse and the servicemember occurred.”.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by inserting after the item relating to section 706 the following new item:

“Sec. 707. Guarantee of residency for spouses of servicemembers.”.

#### **SEC. 1084. EXTENSION OF REQUIREMENT FOR BRIEFINGS ON THE NATIONAL BIO-DEFENSE STRATEGY.**

Section 1086(d) of the National Defense Authorization Act for Fiscal year 2017 (Public Law 114-328; 130 Stat. 2423; 6 U.S.C. 104) is amended by striking “March 1, 2019” and inserting “March 1, 2025”.

#### **SEC. 1085. EXTENSION OF NATIONAL COMMISSION ON MILITARY AVIATION SAFETY.**

(a) EXTENSION OF DEADLINE FOR REPORT.—Section 1087(h)(2) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1995) is amended by striking “March 1, 2020” and inserting “December 31, 2020”.

(b) CALENDAR YEAR 2020 FUNDING.—Of the amount authorized to be appropriated for fiscal year 2020 for the Department of Defense by this Act, \$3,000,000 shall be available for the National Commission on Aviation Safety under section 1087 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 in calendar year 2020.

### **TITLE XI—CIVILIAN PERSONNEL MATTERS**

#### **SEC. 1101. MODIFICATION OF TEMPORARY ASSIGNMENTS OF DEPARTMENT OF DEFENSE EMPLOYEES TO A PRIVATE-SECTOR ORGANIZATION.**

Section 1599g(e)(2)(A) of title 10, United States Code, is amended by inserting “permanent” after “without the”.

#### **SEC. 1102. MODIFICATION OF NUMBER OF AVAILABLE APPOINTMENTS FOR CERTAIN AGENCIES UNDER PERSONNEL MANAGEMENT AUTHORITY TO ATTRACT EXPERTS IN SCIENCE AND ENGINEERING.**

Section 1599h(b)(1) of title 10, United States Code, is amended—

(1) in subparagraph (A), by striking “40” and inserting “10”; and

(2) in subparagraph (B), by striking “100” and inserting “130”.

#### **SEC. 1103. ONE-YEAR EXTENSION OF TEMPORARY AUTHORITY TO GRANT ALLOWANCES, BENEFITS, AND GRATUITIES TO CIVILIAN PERSONNEL ON OFFICIAL DUTY IN A COMBAT ZONE.**

Paragraph (2) of section 1603(a) of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 443), as added by section 1102 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4616) and most recently amended by section 1115 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended by striking “2020” and inserting “2021”.

#### **SEC. 1104. ONE-YEAR EXTENSION OF AUTHORITY TO WAIVE ANNUAL LIMITATION ON PREMIUM PAY AND AGGREGATE LIMITATION ON PAY FOR FEDERAL CIVILIAN EMPLOYEES WORKING OVERSEAS.**

Subsection (a) of section 1101 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4615), as most recently amended by section 1104(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended by striking “through 2019” and inserting “through 2020”.

#### **SEC. 1105. REIMBURSEMENT OF FEDERAL EMPLOYEES FOR FEDERAL, STATE, AND LOCAL INCOME TAXES INCURRED DURING TRAVEL, TRANSPORTATION, AND RELOCATION.**

(a) IN GENERAL.—5724b of title 5, United States Code, is amended—

(1) in the section heading by striking “of employees transferred”;

(2) in subsection (a)—

(A) in the first sentence, by striking “employee, or by an employee and such employee’s spouse (if filing jointly), for any moving or storage” and inserting “individual, or by an individual and such individual’s spouse (if filing jointly), for any travel, transportation, or relocation”; and

(B) in the second sentence, by striking “employee” and inserting “individual, or the individual”; and

(3) by striking subsection (b) and inserting the following:

“(b) For purposes of this section, the term ‘travel, transportation, or relocation expenses’ means all travel, transportation, or relocation expenses reimbursed or furnished in kind pursuant to this subchapter or chapter 41.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 57 of title 5, United States Code, is amended by striking the item relating to section 5724b and inserting the following:

“5724b. Taxes on reimbursements for travel, transportation, and relocation expenses.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall—

(1) take effect on the date of the enactment of this Act; and

(2) apply to travel, transportation, or relocation expenses incurred on or after that date.

### **TITLE XII—MATTERS RELATING TO FOREIGN NATIONS**

#### **Subtitle A—Assistance and Training**

#### **SEC. 1201. EXTENSION OF SUPPORT OF SPECIAL OPERATIONS FOR IRREGULAR WARFARE.**

Section 1202(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1639) is amended by striking “fiscal years 2018 through 2020” and inserting “fiscal years 2020 through 2025”.

#### **SEC. 1202. EXTENSION OF AUTHORITY FOR CROSS SERVICING AGREEMENTS FOR LOAN OF PERSONNEL PROTECTION AND PERSONNEL SURVIVABILITY EQUIPMENT IN COALITION OPERATIONS.**

Section 1207(e) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2342 note) is amended by striking “September 30, 2019” and inserting “September 30, 2024”.

#### **SEC. 1203. TWO-YEAR EXTENSION OF PROGRAM AUTHORITY FOR GLOBAL SECURITY CONTINGENCY FUND.**

Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i)(1), by striking “September 30, 2019” and inserting “September 30, 2021”; and

(2) in subsection (o)—

(A) in the first sentence, by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) in the second sentence, by striking “through 2019” and inserting “through 2021”.

#### **SEC. 1204. MODIFICATION OF REPORTING REQUIREMENT FOR USE OF FUNDS FOR SECURITY COOPERATION PROGRAMS AND ACTIVITIES.**

Section 381(b) of title 10, United States Code, is amended by striking “30 days” and inserting “60 days”.

#### **SEC. 1205. INSTITUTIONAL LEGAL CAPACITY BUILDING INITIATIVE FOR FOREIGN DEFENSE FORCES.**

(a) AUTHORIZATION.—The Secretary of Defense may carry out, consistent with section 332 of title 10, United States Code, an initiative of institutional legal capacity building in collaboration with the appropriate institutions of one or more foreign countries to enhance the capacity of the applicable foreign country to organize, administer, manage, maintain, sustain, or oversee the military legal institutions of such country.

(b) PURPOSE.—The purpose of the initiative under subsection (a) is to enhance, as appropriate, the institutional legal capacity of the applicable foreign country to do the following:

(1) Integrate legal matters into the authority, doctrine, and policies of the defense ministry of such country.

(2) Provide appropriate legal support to commanders conducting military operations.

(3) With respect to military law, institutionalize education, training, and professional development for military personnel, including military lawyers, officers, and civilian leadership within such defense ministry.

(4) Establish a military justice system that is objective, transparent, and impartial.

(5) Build the legal capacity of military forces to provide equitable, transparent, and accountable institutions and provide for anti-corruption measures within such defense ministry.

(6) Build capacity—

(A) to provide for the protection of civilians consistent with the law of armed conflict; and

(B) to investigate incidents of civilian casualties.

(7) Promote understanding and observance of—

(A) the law of armed conflict;

(B) human rights and fundamental freedoms;

(C) the rule of law; and

(D) civilian control of the military.

(c) ELEMENTS.—The initiative under subsection (a) shall include the following elements:

(1) An assessment of the organizational weaknesses for institutional legal capacity

building of the applicable foreign country, including baseline information, an assessment of gaps in the capability and capacity of the appropriate institutions of such country, and any other indicator of efficacy for purposes of monitoring and evaluation, as determined by the Secretary.

(2) A multi-year engagement plan for building institutional capacity that addresses the weaknesses identified under paragraph (1), including objectives, milestones, and a timeline.

(3) The assignment of advisors, as appropriate, to the ministry of defense or other institutions of such country to assist in building core legal institutional capacity, competencies, and capabilities.

(4) A measure for monitoring the implementation of the initiative and evaluating the efficiency and effectiveness of the initiative, consistent with section 383 of title 10, United States Code.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 30 days after the end of each fiscal year beginning in fiscal year 2020 through the fiscal year in which the initiative under subsection (a) terminates, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the progress of the legal capacity building activities under this section.

(2) MATTERS TO BE INCLUDED.—Each report under paragraph (1) shall include, for the preceding fiscal year, the following:

(A) The names of the one or more countries in which the initiative was conducted.

(B) For each such country—

(i) the purpose of the initiative;

(ii) the objectives, milestones, and timeline of the initiative;

(iii) the number and type of advisors assigned and deployed to the country, as applicable;

(iv) an assessment of the progress of the implementation of the initiative; and

(v) an evaluation of the efficiency and effectiveness of the initiative.

(e) SUNSET.—The initiative under subsection (a) shall terminate on the date that is five years after the date of the enactment of this Act.

**SEC. 1206. DEPARTMENT OF DEFENSE SUPPORT FOR STABILIZATION ACTIVITIES IN NATIONAL SECURITY INTEREST OF THE UNITED STATES.**

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of other Federal agencies specified under subsection (c).

(b) DESIGNATION OF FOREIGN AREAS.—

(1) IN GENERAL.—Amounts authorized to be provided pursuant to this section shall be available only for support for stabilization activities—

(A) in a country specified in paragraph (2); and

(B) that the Secretary of Defense, with the concurrence of the Secretary of State, has determined are in the national security interest of the United States.

(2) SPECIFIED COUNTRIES.—The countries specified in this paragraph are as follows:

(A) Iraq.

(B) Syria.

(C) Afghanistan.

(D) Somalia.

(E) Yemen.

(F) Libya.

(c) SUPPORT TO OTHER AGENCIES.—

(1) IN GENERAL.—Support may be provided for stabilization activities under subsection (a) to the Department of State, the United States Agency for International Develop-

ment, or other Federal agencies, on a reimbursable or nonreimbursable basis.

(2) TYPE OF SUPPORT.—Support under subsection (a) may consist of—

(A) logistic support, supplies, and services; and

(B) equipment.

(d) REQUIREMENT FOR A STABILIZATION STRATEGY.—

(1) LIMITATION.—With respect to any country specified in subsection (b)(2), no amount of support may be provided under subsection (a) until 15 days after the date on which the Secretary of Defense, with the concurrence of the Secretary of State, submits to the appropriate committees of Congress a detailed report setting forth a stabilization strategy for such country.

(2) ELEMENTS OF STRATEGY.—The stabilization strategy required by paragraph (1) shall set forth the following:

(A) The United States interests in conducting stabilization activities in the country specified in subsection (b)(2).

(B) The key foreign partners and actors in such country.

(C) The desired end states and objectives of the United States stabilization activities in such country.

(D) The Department of Defense support intended to be provided for the stabilization activities of other Federal agencies under subsection (a).

(E) Any mechanism for civil-military coordination regarding support for stabilization activities.

(F) The mechanisms for monitoring and evaluating the effectiveness of Department of Defense support for United States stabilization activities in the area.

(e) IMPLEMENTATION IN ACCORDANCE WITH GUIDANCE.—Support provided under subsection (a) shall be implemented in accordance with the guidance of the Department of Defense entitled “DoD Directive 3000.05 Stabilization”, dated December 13, 2018 (or successor guidance).

(f) REPORT.—The Secretary of Defense, with the concurrence of the Secretary of State, shall submit to the appropriate committees of Congress on an annual basis a report that includes the following:

(1) The identification of each foreign area within countries specified in subsection (b)(2) for which support to stabilization has occurred.

(2) The total amount spent by the Department of Defense, broken out by recipient Federal agency and activity.

(3) An assessment of the contribution of each activity toward greater stability.

(4) An articulation of any plans for continued Department of Defense support to stabilization in the specified foreign area in order to maintain or improve stability.

(5) Other matters as the Secretary of Defense considers to be appropriate.

(g) USE OF FUNDS.—

(1) SOURCE OF FUNDS.—Amounts for activities carried out under this section in a fiscal year shall be derived only from amounts authorized to be appropriated for such fiscal year for the Department of Defense for Operation and Maintenance, Defense-wide.

(2) LIMITATION.—Not more than \$25,000,000 in each fiscal year is authorized to be used to provide nonreimbursable support under this section.

(h) EXPIRATION.—The authority provided under this section may not be exercised after December 31, 2020.

(i) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—The term “logistic support, supplies, and services” has the meaning given the term in section 2350(1) of title 10 United States Code.

**Subtitle B—Matters Relating to Afghanistan and Pakistan**

**SEC. 1211. EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF AFGHANISTAN.**

(a) EXTENSION.—Subsection (h) of section 1222 of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1992), as most recently amended by section 1221 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended by striking “December 31, 2020” and inserting “December 31, 2021”.

(b) EXCESS DEFENSE ARTICLES.—Subsection (i)(2) of such section 1222, as so amended, is further amended by striking “December 31, 2020” each place it appears and inserting “December 31, 2021”.

**SEC. 1212. AFGHANISTAN SECURITY FORCES FUND.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for fiscal year 2020 for the Afghanistan Security Forces Fund, as established by section 1513 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 428), as most recently amended by section 1223(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), \$4,803,978,000.

(b) CONTINUATION OF PRIOR AUTHORITIES AND NOTICE AND REPORTING REQUIREMENTS.—Funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2020 shall be subject to the conditions contained in subsections (b) through (f) of such section 1513.

(c) USE OF FUNDS.—

(1) TYPE OF ASSISTANCE.—Subsection (b)(2) of such section 1513 is amended by inserting “(including program and security assistance management support)” after “services”.

(d) EQUIPMENT DISPOSITION.—

(1) ACCEPTANCE OF CERTAIN EQUIPMENT.—Subject to paragraph (2), the Secretary of Defense may accept equipment that is procured using amounts authorized to be appropriated for the Afghanistan Security Forces Fund by this Act and is intended for transfer to the security forces of Afghanistan, but is not accepted by such security forces.

(2) CONDITIONS ON ACCEPTANCE OF EQUIPMENT.—Before accepting any equipment under paragraph (1), the Commander of United States forces in Afghanistan shall make a determination that the equipment was procured for the purpose of meeting requirements of the security forces of Afghanistan, as agreed to by both the Government of Afghanistan and the United States, but is no longer required by such security forces or was damaged before transfer to such security forces.

(3) ELEMENTS OF DETERMINATION.—In making a determination under paragraph (2), the Commander of United States forces in Afghanistan shall consider alternatives to acceptance of the equipment by the Secretary. An explanation of each determination, including the basis for the determination and the alternatives considered, shall be included in the relevant quarterly report under paragraph (5).

(4) TREATMENT AS DEPARTMENT OF DEFENSE STOCKS.—Equipment accepted under paragraph (1) may be treated as stocks of the Department of Defense upon notification to the



congressional defense committees of such treatment.

(5) QUARTERLY REPORTS ON EQUIPMENT DISPOSITION.—

(A) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and every 90-day period thereafter during which the authority provided by paragraph (1) is exercised, the Secretary shall submit to the congressional defense committees a report describing the equipment accepted during the period covered by such report under the following:

(i) This subsection.

(ii) Section 1531(d) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 938; 10 U.S.C. 2302 note).

(iii) Section 1532(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3612).

(B) ELEMENTS.—Each report under subparagraph (A) shall include a list of all equipment accepted during the period covered by the report and treated as stocks of the Department of Defense and copies of the determinations made under paragraph (2), as required by paragraph (3).

(e) SECURITY OF AFGHAN WOMEN.—

(1) IN GENERAL.—Of the funds available to the Department of Defense for the Afghanistan Security Forces Fund for fiscal year 2020, it is the goal that \$25,000,000, but in no event less than \$10,000,000, shall be used for—

(A) the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces; and

(B) the recruitment, training, and contracting of female security personnel for future elections.

(2) TYPES OF PROGRAMS AND ACTIVITIES.—Such programs and activities may include—

(A) efforts to recruit women into the Afghan National Defense and Security Forces, including the special operations forces;

(B) programs and activities of the Afghan Ministry of Defense Directorate of Human Rights and Gender Integration and the Afghan Ministry of Interior Office of Human Rights, Gender, and Child Rights;

(C) development and dissemination of gender and human rights educational and training materials and programs within the Afghan Ministry of Defense and the Afghan Ministry of Interior;

(D) efforts to address harassment and violence against women within the Afghan National Defense and Security Forces;

(E) improvements to infrastructure that address the requirements of women serving in the Afghan National Defense and Security Forces, including appropriate equipment for female security and police forces, and transportation for policewomen to their station;

(F) support for Afghan National Police Family Response Units; and

(G) security provisions for high-profile female police and army officers.

(f) ASSESSMENT OF EFFORTS TO BUILD CAPACITY IN THE AFGHAN NATIONAL DEFENSE AND SECURITY FORCES.—

(1) ASSESSMENT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an assessment that describes the following:

(A) The integrated capacity development strategies for—

(i) the Ministry of Defense and the Ministry of Interior of Afghanistan; and

(ii) the North Atlantic Treaty Organization-led Train Advise Assist Commands and

Task Forces at the national and regional levels in Afghanistan.

(B) An articulation of the key capabilities to be developed and improved with respect to the Ministry of Defense, the Ministry of Interior, and the North Atlantic Treaty Organization-led Train Advise Assist Commands and Task Forces, and the overall plan (including timeframes, budgets, and specific initiatives) to achieve the intended outcomes.

(C) The specific roles of Department of Defense-funded advisors in building the capacity of the Ministry of Defense and the Ministry of Interior of Afghanistan and the Afghan National Defense and Security Forces at the national and regional levels, and the manner in which such roles align with the development strategy referred to in subparagraph (A).

(D) The metrics used to assess progress on the recruitment, integration, retention, training, and treatment of women in the Afghan National Defense and Security Forces, and a progress report on such recruitment, integration, retention, training, and treatment.

(E) An explanation of the assessment, monitoring, and evaluation mechanisms in place to assess the relevance, effectiveness, and sustainability of each specific initiative and progress made toward the intended outcomes identified under subparagraph (B).

(F) Any other matter the Secretary considers appropriate.

#### SEC. 1213. EXTENSION OF COMMANDERS' EMERGENCY RESPONSE PROGRAM.

Section 1201 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1619), as most recently amended by the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended—

(1) in subsection (a), by striking “December 31, 2019” and inserting “December 31, 2020”;

(2) in subsection (b), by striking “of fiscal years 2017 through 2019” and inserting “for each of fiscal years 2017 through 2020”; and

(3) in subsection (f), in the first sentence, by striking “December 31, 2019” and inserting “December 31, 2020”.

#### SEC. 1214. EXTENSION AND MODIFICATION OF REIMBURSEMENT OF CERTAIN COALITION NATIONS FOR SUPPORT PROVIDED TO UNITED STATES MILITARY OPERATIONS.

Section 1233(a) of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181; 122 Stat. 393), as most recently amended by section 1225 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended to read as follows:

“(a) AUTHORITY.—From funds made available for the Department of Defense for the period beginning on October 1, 2019, and ending on December 31, 2020, for overseas contingency operations for operation and maintenance, Defense-wide activities, the Secretary of Defense may reimburse any key cooperating nation (other than Pakistan) for—

“(1) logistical and military support provided by that nation to or in connection with United States military operations in Afghanistan, Iraq, or Syria; and

“(2) logistical, military, and other support, including access, provided by that nation to or in connection with United States military operations described in paragraph (1).”.

#### SEC. 1215. SUPPORT FOR RECONCILIATION ACTIVITIES LED BY THE GOVERNMENT OF AFGHANISTAN.

(a) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide covered support for reconciliation activities to one or more des-

ignated persons or entities or Federal agencies.

(b) DESIGNATION.—Not later than 15 days before the Secretary of Defense designates an individual or organization as a designated person or entity, the Secretary shall notify the congressional defense committees of the intent of the Secretary to make such designation.

(c) REIMBURSEMENT.—

(1) DESIGNATED PERSONS OR ENTITIES.—The Secretary of Defense may provide covered support to a designated person or entity on a reimbursable or nonreimbursable basis.

(2) FEDERAL AGENCIES.—The Secretary of Defense may provide covered support to a Federal agency on a reimbursable or nonreimbursable basis.

(d) LOCATION OF COVERED SUPPORT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary of Defense may only provide covered support within Afghanistan.

(2) EXCEPTION.—Notwithstanding paragraph (1), the Secretary of Defense may provide covered support in Pakistan if the Secretary determines, and certifies to the congressional defense committees, that providing covered support in Pakistan is in the national security interest of the United States.

(e) NOTIFICATION.—Not later than 15 days before the date on which the Secretary of Defense provides covered support to a non-governmental designated person or entity or provides covered support in Pakistan, the Secretary shall submit to the congressional defense committees written notice that includes the intended recipient of such covered support and the specific covered support to be provided.

(f) FUNDING.—

(1) SOURCE OF FUNDS.—Amounts for covered support may only be derived from amounts authorized to be appropriated for the Department of Defense for operation and maintenance.

(2) LIMITATION.—Not more than \$15,000,000 may be used for nonreimbursable covered support.

(g) RULE OF CONSTRUCTION.—Covered support shall not be construed to violate section 2339, 2339A, or 2339B of title 18, United States Code.

(h) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, and quarterly thereafter, the Secretary of Defense shall, in coordination with the Secretary of State, submit to the congressional defense committees a report on covered support during the preceding 90-day period.

(2) ELEMENTS.—Each report under this subsection shall include, for the preceding reporting period, the following:

(A) A summary of the ongoing reconciliation activities for which covered support was provided.

(B) A description of the covered support, by class or type, and the designated person or entity or Federal agency that received each class or type of covered support.

(C) The total dollar amount of each class or type of covered support, including budget details.

(D) The intended duration of each provision of covered support.

(E) Any other matter the Secretary of Defense considers appropriate.

(i) SUNSET.—The authority to carry out this section shall terminate on December 31, 2020.

(j) DEFINITIONS.—In this section:

(1) COVERED SUPPORT.—The term “covered support” means logistic support, supplies, and services (as defined in section 2350 of title 10, United States Code) and security provided under this section.

(2) DESIGNATED PERSON OR ENTITY.—

(A) IN GENERAL.—The term “designated person or entity” means an individual or organization designated by the Secretary of Defense as necessary to facilitate a reconciliation activity.

(B) EXCLUSION.—The term “designated person or entity” does not include a Federal agency.

(3) RECONCILIATION ACTIVITY.—The term “reconciliation activity” means any activity intended to support, facilitate, or enable a political settlement between the Government of Afghanistan and the Taliban for the purpose of ending the war in Afghanistan.

(4) SECURITY.—The term “security” means any measure determined by the Secretary of Defense to be necessary to protect reconciliation activities from hostile acts.

**SEC. 1216. SENSE OF SENATE ON SPECIAL IMMIGRANT VISA PROGRAM FOR AFGHAN ALLIES.**

It is the sense of the Senate that—

(1) the special immigrant visa program for Afghan allies is critical to the mission in Afghanistan and the long-term interests of the United States;

(2) maintaining a robust special immigrant visa program for Afghan allies is necessary to support United States Government personnel in Afghanistan who need translation, interpretation, security, and other services;

(3) Afghan allies routinely risk their lives to assist United States military and diplomatic personnel;

(4) honoring the commitments made to Afghan allies with respect to such special immigrant visa program is essential to ensuring the continued service and safety of such allies; and

(5) an additional 4,000 visas should be made available to principal aliens who are eligible for special immigrant status under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note) to prevent harm to the operations of the United States Government in Afghanistan.

**Subtitle C—Matters Relating to Syria, Iraq, and Iran**

**SEC. 1221. MODIFICATION OF AUTHORITY TO PROVIDE ASSISTANCE TO VETTED SYRIAN GROUPS.**

(a) NATURE OF ASSISTANCE.—Subsection (a) of section 1209 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3541), as most recently amended by section 1231(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended—

(1) in the matter preceding paragraph (1), by striking “with a cost” and all that follows through “December 31, 2019” and inserting “, and sustainment to appropriately vetted Syrian groups and individuals, through December 31, 2020”;

(2) in paragraph (1), by striking “Islamic State of Iraq and the Levant” and all that follows through the period at the end and inserting the following: “Islamic State of Iraq and Syria (ISIS).”;

(3) by striking paragraphs (2) and (3) and inserting the following new paragraphs:

“(2) Securing territory formerly controlled by the Islamic State of Iraq and Syria.

“(3) Protecting the United States and its friends and allies from the threats posed by the Islamic State of Iraq and Syria, al Qaeda, and associated forces in Syria.

“(4) Supporting the temporary detention and repatriation of Islamic State of Iraq and Syria foreign terrorist fighters in accordance with the laws of armed conflict and the United Nations Convention Relating to the Status of Refugees, done at Geneva July 28, 1951 (as made applicable by the Protocol Rel-

ating to the Status of Refugees, done at New York January 31, 1967 (19 UST 6223)).”.

(b) SCOPE OF QUARTERLY PROGRESS REPORTS.—Subsection (d) of such section, as most recently amended by section 1223(b) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1653), is further amended to read as follows:

“(d) QUARTERLY PROGRESS REPORTS.—

“(1) IN GENERAL.—Beginning on January 15, 2020, and every 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees and leadership of the House of Representatives and the Senate a progress report.

“(2) MATTERS TO BE INCLUDED.—Each progress report under paragraph (1) shall include, based on the most recent quarterly information, the following:

“(A) A description of the appropriately vetted recipients receiving assistance under subsection (a).

“(B) A description of training, equipment, supplies, stipends, and other support provided to appropriately vetted recipients under subsection (a) and a statement of the amount of funds expended for such purposes during the period covered by the report.

“(C) Any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated.

“(D) An assessment of the recruitment, throughput, and retention rates of appropriately vetted recipients.

“(E) An assessment of the operational effectiveness of appropriately vetted recipients in meeting the purposes specified in subsection (a).

“(F) A description of United States Government stabilization objectives and activities carried out in areas formerly controlled by the Islamic State of Iraq and Syria, including significant projects and funding associated with such projects.

“(G) A description of coalition contributions to the purposes specified in subsection (a) and other related stabilization activities.

“(H) With respect to Islamic State of Iraq and Syria foreign terrorist fighters—

“(i) an estimate of the number of such individuals being detained by appropriately vetted Syrian groups and individuals;

“(ii) an estimate of the number of such individuals that have been repatriated and the countries to which such individuals have been repatriated; and

“(iii) a description of United States Government support provided to facilitate the repatriation of such individuals.

“(I) An assessment of the extent to which appropriately vetted Syrian groups and individuals have enabled progress toward establishing inclusive, representative, accountable, and civilian-led governance and security structures in territories liberated from the Islamic State of Iraq and Syria.”.

(c) ELIMINATION OF REPROGRAMMING REQUIREMENT.—Such section is further amended by striking subsection (f).

(d) INCLUSION OF SUPPORT FOR STABILIZATION ACTIVITIES.—Such section is further amended by inserting after subsection (e) the following new subsection (f):

“(f) SUPPORT FOR STABILIZATION ACTIVITIES.—

“(1) IN GENERAL.—The Secretary of Defense may, with the concurrence of the Secretary of State and in consultation with the Administrator of the United States Agency for International Development, provide support for the stabilization activities of the Department of State, the United States Agency for International Development, and any other Federal agency on a reimburseable or nonreimburseable basis.

“(2) TYPES OF SUPPORT.—The support provided under paragraph (1) may consist of—

“(A) logistic support, supplies, and services; or

“(B) equipment.”.

(e) PER PROJECT AND AGGREGATE COST LIMITATIONS FOR CONSTRUCTION AND REPAIR PROJECTS.—Subsection (1) of such section, as added by section 1223(d) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1653), is amended to read as follows:

“(1) LIMITATION ON COST OF CONSTRUCTION AND REPAIR PROJECTS.—

“(1) IN GENERAL.—The cost of construction and repair projects carried out under this section may not exceed, in any fiscal year—

“(A) \$4,000,000 per project; or

“(B) \$12,000,000 in the aggregate.

“(2) FOREIGN CONTRIBUTIONS.—The limitation under paragraph (1) shall not apply to the expenditure of foreign contributions in excess of the per-project or aggregate limitation set forth in that paragraph.”.

(f) INCLUSION OF LIMITATION PENDING REPORT.—Such section is further amended by adding at the end the following new subsection:

“(n) LIMITATION PENDING REPORT.—None of the funds authorized to be appropriated for fiscal year 2020 for the Department of Defense may be obligated or expended for activities under this section until 30 days after the date on which the Secretary of Defense submits an unclassified report, with a classified annex if necessary, to the congressional defense committees setting forth the following:

“(1) A description of the efforts the United States will undertake to train and equip appropriately vetted Syrian groups and individuals for the purposes described in subsection (a).

“(2) A detailed description of the appropriately vetted Syrian groups and individuals to be trained and equipped under this section, including a description of their geographical locations, demographic profiles, political affiliations, and current capabilities.

“(3) A detailed description of planned capabilities, including categories of training, equipment, financial support, sustainment, and supplies, intended to be provided to appropriately vetted Syrian groups and individuals under this section, and timelines for delivery.

“(4) A description of the planned posture of United States forces and the planned level of engagement by such forces with appropriately vetted Syrian groups and individuals, including the oversight of equipment provided under this section and the activities conducted by such appropriately vetted Syrian groups and individuals.

“(5) An explanation of the processes and mechanisms for local commanders of such forces to exercise command and control of the elements of the appropriately vetted Syrian groups and individuals after such elements have been trained and equipped under this section.

“(6) A detailed explanation of the relationship between appropriately vetted recipients and civilian governance authorities and a description of efforts to ensure appropriately vetted recipients are subject to the control of competent civilian authorities.”.

**SEC. 1222. EXTENSION OF AUTHORITY AND LIMITATION ON USE OF FUNDS TO PROVIDE ASSISTANCE TO COUNTER THE ISLAMIC STATE OF IRAQ AND SYRIA.**

(a) EXTENSION.—Subsection (a) of section 1236 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 128 Stat. 3559), as most recently amended by section 1233(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115–232), is further amended

by striking “December 31, 2020” and inserting “December 31, 2021”.

(b) FUNDING.—Subsection (g) of such section, as most recently amended by section 1233(b) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, is further amended—

(1) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(2) by striking “\$850,000,000” and inserting “\$645,000,000”.

(c) LIMITATION ON USE OF FUNDS.—Of the amounts authorized to be appropriated for fiscal year 2020 by this Act for activities under such section 1236, as amended by subsection (a), not more than \$375,000,000 may be obligated or expended for such activities until the date on which the Secretary of Defense submits to the congressional defense committees a report setting forth the following:

(1) An identification of the specific units of the Iraqi Security Forces to receive training and equipment or other support in fiscal year 2020.

(2) A plan for ensuring that any vehicles or equipment provided to the Iraqi Security Forces pursuant to such authority are maintained in subsequent fiscal years using funds of Iraq.

(3) An estimate, by fiscal year, of the funding anticipated to be required for support of the Iraqi Security Forces during the five fiscal years beginning in fiscal year 2020.

(4) A plan for normalizing assistance to the Iraqi Security Forces under chapter 16 of title 10, United States Code, beginning in fiscal year 2020.

(5) A detailed plan for the obligation and expenditure of the funds requested for fiscal year 2020 for the Department of Defense for stipends.

(6) A plan for the transition to the Government of Iraq the responsibility for funding for stipends for any fiscal year after fiscal year 2020.

**SEC. 1223. EXTENSION AND MODIFICATION OF AUTHORITY TO SUPPORT OPERATIONS AND ACTIVITIES OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.**

(a) AUTHORITY.—Section 1215 of the National Defense Authorization Act for Fiscal Year 2012 (10 U.S.C. 113 note) is amended—

(1) by amending subsection (a) to read as follows:

“(a) AUTHORITY.—The Secretary of Defense may support United States Government security cooperation activities in Iraq by providing funds for operations and activities of the Office of Security Cooperation in Iraq.”;

(2) by striking subsection (f);

(3) in subsection (g)(2), by striking subparagraph (F); and

(4) by redesignating subsection (g) as subsection (f).

(b) TYPES OF SUPPORT.—Subsection (b) of such section is amended by striking “life support, transportation and personal security, and construction and renovation of facilities” and inserting “life support, transportation, and personal security”.

(c) AMOUNT AVAILABLE.—Such section is further amended—

(1) in subsection (c)—

(A) by striking “fiscal year 2019” and inserting “fiscal year 2020”; and

(B) by striking “\$45,300,000” and inserting “\$30,000,000”; and

(2) in subsection (d), by striking “fiscal year 2019” and inserting “fiscal year 2020”.

(d) COVERAGE OF COSTS OF THE OFFICE OF SECURITY COOPERATION IN IRAQ.—Subsection (e) of such section is amended by striking “activities of security assistance teams in Iraq in connection with such sale” and inserting “activities of the Office of Security Cooperation in Iraq in excess of the amount set forth in subsection (c)”.

**SEC. 1224. COORDINATOR OF UNITED STATES GOVERNMENT ACTIVITIES AND MATTERS IN CONNECTION WITH DETAINEES WHO ARE MEMBERS OF THE ISLAMIC STATE OF IRAQ AND SYRIA.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall, in consultation with the Secretary of Defense, the Secretary of State, the Director of National Intelligence, and the Attorney General, designate an existing official within the Executive Branch to serve as senior-level coordinator to coordinate, in conjunction with the lead and other relevant agencies, all matters for the United States Government relating to the long-term disposition of members of the Islamic State of Iraq and Syria (ISIS) and associated forces (in this section referred to as “ISIS detainees”), including all matters in connection with—

(1) repatriation, transfer, prosecution, and intelligence-gathering; and

(2) all multilateral and international engagements led by the Department of State and other agencies that are related to the current and future handling, detention, and prosecution of ISIS detainees.

(b) RETENTION OF AUTHORITY.—The appointment of a senior-level coordinator pursuant to subsection (a) shall not deprive any agency of any authority to independently perform functions of that agency.

(c) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not less frequently than once each year thereafter through December 31, 2024, the individual designated under subsection (a) shall submit to the appropriate committees of Congress a detailed report regarding the following ISIS detainees:

(A) Alexandra Kotev.

(B) El Shafee Elsheikh.

(C) Aine Lesley Davis.

(D) Umm Sayyaf.

(E) Any other high-value ISIS detainee that the coordinator reasonably determines to be subject to criminal prosecution in the United States.

(2) ELEMENTS.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A detailed description of the facilities where ISIS detainees described in paragraph (1) are being held.

(B) An analysis of all United States efforts to prosecute ISIS detainees described in paragraph (1) and the outcomes of such efforts. Any information, the disclosure of which may violate Department of Justice policy or law, relating to a prosecution or investigation may be withheld from a report under paragraph (1).

(C) A detailed description of any option to expedite prosecution of any ISIS detainee described in paragraph (1), including in a court of competent jurisdiction outside of the United States.

(D) An analysis of factors on the ground in Syria and Iraq that may result in the unintended release of ISIS detainees described in paragraph (1), and an assessment of any measures available to mitigate such releases.

(E) A detailed description of all multilateral and other international efforts or proposals that would assist in the prosecution of ISIS detainees described in paragraph (1).

(F) An analysis of all efforts between the United States and partner countries within the Global Coalition to Defeat ISIS or other countries to share intelligence or evidence that may aid in the prosecution of members of the Islamic State of Iraq and Syria and associated forces, and any legal obstacles that may hinder such efforts.

(G) An analysis of the manner in which the United States Government communicates on

such proposals and efforts to the families of United States citizens believed to be a victim of a criminal act by an ISIS detainee.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

**SEC. 1225. REPORT ON LESSONS LEARNED FROM EFFORTS TO LIBERATE MOSUL AND RAQQAH FROM CONTROL OF THE ISLAMIC STATE OF IRAQ AND SYRIA.**

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on lessons learned from coalition operations to liberate Mosul, Iraq, and Raqqa, Syria, from control of the Islamic State of Iraq and Syria (ISIS).

(b) ELEMENTS.—The report required by subsection (a) shall include a description of lessons learned in connection with each of the following:

(1) Combat in densely populated urban environments.

(2) Enablement of partner forces, including unique aspects of conducting combined operations with regular and irregular forces.

(3) Advise, assist, and accompany efforts, including such efforts conducted remotely.

(4) Integration of United States general purpose and special operations forces.

(5) Integration of United States and international forces.

(6) Irregular and unconventional warfare approaches, including the application of training and doctrine by special operations and general purpose forces.

(7) Use of command, control, communications, computer, intelligence, surveillance, and reconnaissance systems and techniques.

(8) Logistics.

(9) Information operations.

(10) Targeting and weaponizing, including efforts to avoid civilian casualties and other collateral damage.

(11) Facilitation of flows of internally displaced people and humanitarian assistance.

(12) Such other matters as the Secretary considers appropriate and could benefit training, doctrine, and resourcing of future operations.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**Subtitle D—Matters Relating to Europe and the Russian Federation**

**SEC. 1231. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.**

(a) PROHIBITION.—None of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the prohibition under subsection (a) if the Secretary of Defense—

(1) determines that a waiver is in the national security interest of the United States; and

(2) on the date on which the waiver is invoked, submits a notification of the waiver and a justification of the reason for seeking the waiver to—

(A) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1232. PROHIBITION ON USE OF FUNDS FOR WITHDRAWAL OF ARMED FORCES FROM EUROPE IN THE EVENT OF UNITED STATES WITHDRAWAL FROM THE NORTH ATLANTIC TREATY.**

Notwithstanding any other provision of law, if the President provides notice of withdrawal of the United States from the North Atlantic Treaty, done at Washington D.C. April 4, 1949, pursuant to Article 13 of the Treaty, during the one-year period beginning on the date of such notice, no funds authorized to be appropriated by this Act may be obligated, expended, or reprogrammed for the withdrawal of the United States Armed Forces from Europe.

**SEC. 1233. EXTENSION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.**

Subsection (a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2488), as most recently amended by section 1247 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended in the matter preceding paragraph (1) by striking “fiscal year 2017, 2018, or 2019” and inserting “fiscal year 2017, 2018, 2019, or 2020”.

**SEC. 1234. MODIFICATION AND EXTENSION OF UKRAINE SECURITY ASSISTANCE INITIATIVE.**

Section 1250 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1068), as most recently amended by section 1246 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “in coordination with the Secretary of State” and inserting “with the concurrence of the Secretary of State”;

(2) in subsection (b)—

(A) by amending paragraph (11) to read as follows:

“(11) Air defense and coastal defense radars, and systems to support effective command and control and integration of air defense and coastal defense capabilities.”;

(B) by redesignating paragraphs (14) and (15) as paragraphs (15) and (16), respectively;

(C) by inserting after paragraph (13) the following new paragraph (14):

“(14) Coastal defense and anti-ship missile systems.”; and

(D) in paragraph (15), as so redesignated, by striking “paragraphs (1) through (13)” and inserting “paragraphs (1) through (14)”;

(3) in subsection (c), by amending paragraph (5) to read as follows:

“(5) LETHAL ASSISTANCE.—Of the funds available for fiscal year 2020 pursuant to subsection (f)(5), \$100,000,000 shall be available only for lethal assistance described in paragraphs (2), (3), (11), (12), and (14) of subsection (b).”;

(4) in subsection (f), by adding at the end the following new paragraph:

“(5) For fiscal year 2020, \$300,000,000.”; and

(5) in subsection (h), by striking “December 31, 2021” and inserting “December 31, 2022”.

**SEC. 1235. EXTENSION OF AUTHORITY FOR TRAINING FOR EASTERN EUROPEAN NATIONAL SECURITY FORCES IN THE COURSE OF MULTILATERAL EXERCISES.**

Subsection (h) of section 1251 of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended—

(1) in the first sentence, by striking “December 31, 2020” and inserting “December 31, 2022”; and

(2) in the second sentence, by striking “for the period beginning on October 1, 2015, and ending on December 31, 2020” and inserting “for the period beginning on October 1, 2015, and ending on December 31, 2022”.

**SEC. 1236. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO THE REPUBLIC OF TURKEY.**

(a) LIMITATION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense may be used to do the following:

(1) Transfer, or facilitate the transfer of, F-35 aircraft to the territory of the Republic of Turkey.

(2) Transfer equipment, intellectual property, or technical data necessary for or related to the maintenance or support of the F-35 aircraft in the territory of the Republic of Turkey.

(3) Construct facilities for or otherwise associated with the storage of F-35 aircraft in the territory of the Republic of Turkey.

(b) WAIVER.—The Secretary of Defense, with the concurrence of the Secretary of State, may waive the limitation under subsection (a) if the Secretary of Defense and the Secretary of State submit to the congressional defense committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a certification that the Government of Turkey—

(1) has not accepted delivery of the S-400 air and missile defense system from the Russian Federation; and

(2) has provided reliable assurances that the Government of Turkey will not accept delivery of the S-400 air and missile defense system from the Russian Federation in the future.

**SEC. 1237. MODIFICATIONS OF BRIEFING, NOTIFICATION, AND REPORTING REQUIREMENTS RELATING TO NON-COMPLIANCE BY THE RUSSIAN FEDERATION WITH ITS OBLIGATIONS UNDER THE INF TREATY.**

(a) BRIEFING REQUIREMENT.—Section 1244(d) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. 3565; 22 U.S.C. 2593a note)—

(1) by striking “At the time” and inserting the following:

“(A) IN GENERAL.—At the time”; and

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

“(B) SUNSET.—The briefing requirement under subparagraph (A) shall be in effect so long as the INF Treaty remains in force.”.

(b) NOTIFICATION REQUIREMENT RELATING TO COORDINATION WITH ALLIES.—Section 1243(c) of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1601) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The notification requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(c) NOTIFICATION REQUIREMENT RELATING TO DEVELOPMENT, DEPLOYMENT, OR TEST OF A SYSTEM INCONSISTENT WITH INF TREATY.—Section 1244(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1673; 22 U.S.C. 2593a note) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The notification requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

(d) REPORTING REQUIREMENT UNDER UKRAINE FREEDOM SUPPORT ACT OF 2014.—Section 10(c) of the Ukraine Freedom Support Act of 2014 (22 U.S.C. 8929) is amended by adding at the end the following new paragraph:

“(3) SUNSET.—The reporting requirement under paragraph (1) shall be in effect so long as the INF Treaty remains in force.”.

**SEC. 1238. EXTENSION AND MODIFICATION OF SECURITY ASSISTANCE FOR BALTIC NATIONS FOR JOINT PROGRAM FOR INTEROPERABILITY AND DETERRENCE AGAINST AGGRESSION.**

(a) ADDITIONAL DEFENSE ARTICLES AND SERVICES.—Subsection (c) of section 1279D of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1702; 22 U.S.C. 2753 note) is amended—

(1) by redesignating paragraph (5) as paragraph (6); and

(2) by inserting after paragraph (4) the following new paragraph (5):

“(5) Command, control, communications, computers, intelligence, surveillance, and reconnaissance (C4ISR) equipment.”.

(b) FUNDING.—Subsection (f) of such section is amended—

(1) in paragraph (2), by striking “\$100,000,000” and inserting “\$125,000,000”; and

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

“(3) MATCHING AMOUNT.—The amount of assistance provided under subsection (a) for procurement described in subsection (b) may not exceed the aggregate amount contributed to such procurement by the Baltic nations.”.

(c) EXTENSION.—Subsection (g) of such section is amended by striking “December 31, 2020” and inserting “December 31, 2022”.

**SEC. 1239. REPORT ON NORTH ATLANTIC TREATY ORGANIZATION READINESS INITIATIVE.**

(a) REPORT.—Not later than October 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the North Atlantic Treaty Organization (NATO) Readiness Initiative, which shall include assessments of the following:

(1) The number of units North Atlantic Treaty Organization allies have pledged against the benchmark to provide an additional 30 air attack squadrons, 30 naval combat vessels, and 30 mechanized battalions ready to fight in not more than 30 days.

(2) The procedure by which the North Atlantic Treaty Organization certifies, reports, and ensures that the Supreme Allied Commander Europe (SACEUR) maintains a detailed understanding of the readiness of the forces described in paragraph (1).

(3) The North Atlantic Treaty Organization plan to maintain the readiness of such forces in future years.

(b) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1240. REPORTS ON CONTRIBUTIONS TO THE NORTH ATLANTIC TREATY ORGANIZATION.**

(a) IN GENERAL.—Beginning in 2020, and annually thereafter through 2025, not later than 30 days after the date on which the annual report of the Secretary General of the North Atlantic Treaty Organization for the preceding calendar year is published, the Secretary of Defense, in consultation with the Commander of United States European Command, shall submit to the appropriate committees of Congress a report that includes the following:

(1) A link to an electronic version of such annual report of the Secretary General of the North Atlantic Treaty Organization.

(2) A summary of the key findings of such annual report.

(3) A description of the significant financial contributions by member countries of the North Atlantic Treaty Organization that support the presence or operations of the United States Armed Forces in Europe.

(4) An assessment of the progress of each member country of the North Atlantic Treaty Organization toward meeting the North Atlantic Treaty Organization capability targets for such member country.

(5) An assessment of North Atlantic Treaty Organization capability and capacity shortfalls that may be addressed through investment by North Atlantic Treaty Organization member countries that have not met the Defense Investment Pledge made at the 2014 summit of the North Atlantic Treaty Organization in Wales.

(6) A description of the contribution of each member country of the North Atlantic Treaty Organization to the NATO Readiness Initiative.

(7) A description of—

(A) the personnel and financial contributions of each member country of the North Atlantic Treaty Organization to military or stability operations in which the United States Armed Forces are a participant; and

(B) any limitation placed by such member country on the use of such contributions.

(8) An assessment of the compatibility and alignment of United States and North Atlantic Treaty Organization contingency plans, including recommendations to reduce the risk of executing such plans.

(9) An assessment of current North Atlantic Treaty Organization initiatives, and any recommendations for future reforms or initiatives, to accelerate the speed of decision and deployability of North Atlantic Treaty Organization forces.

(b) FORM.—Each report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

#### SEC. 1241. FUTURE YEARS PLANS FOR EUROPEAN DETERRENCE INITIATIVE.

(a) PLAN REQUIRED.—

(1) INITIAL PLAN.—

(A) IN GENERAL.—Not later than December 31, 2019, the Secretary of Defense, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative (EDI) for fiscal year 2020 and not fewer than the four succeeding fiscal years.

(B) MATTERS TO BE INCLUDED.—The plan required under subparagraph (A) shall include the following:

(i) A description of the objectives of the European Deterrence Initiative, including a description of—

(I) the intended force structure and posture of the assigned and allocated forces within the area of responsibility of the United States European Command for the last fiscal year of the plan; and

(II) the manner in which such force structure and posture support the implementation of the National Defense Strategy.

(ii) An assessment of capabilities requirements to achieve the objectives of the European Deterrence Initiative.

(iii) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs, to

achieve the objectives of the European Deterrence Initiative.

(iv) An identification of required infrastructure and military construction investments to achieve the objectives of the European Deterrence Initiative, including potential infrastructure investments by host nations.

(v) An assessment of security cooperation investments required to achieve the objectives of the European Deterrence Initiative.

(vi) A plan to fully resource United States force posture and capabilities, including—

(I) a detailed assessment of the resources necessary to address the requirements described in clauses (i) through (v), including specific cost estimates for each project in the European Deterrence Initiative to support increased presence, exercises and training, enhanced prepositioning, improved infrastructure, and building partnership capacity; and

(II) a detailed timeline to achieve the intended force structure and posture described in clause (i)(I).

(2) SUBSEQUENT PLAN.—

(A) IN GENERAL.—Not later than the date on which the Secretary submits to Congress the budget request for the Department of Defense for fiscal year 2021, the Secretary, in consultation with the Commander of the United States European Command, shall submit to the congressional defense committees a future years plan on activities and resources of the European Deterrence Initiative for fiscal year 2021 and not fewer than the four succeeding fiscal years.

(B) MATTERS TO BE INCLUDED.—The plan required under subparagraph (A) shall include—

(i) the matters described in subparagraph (B) of paragraph (1); and

(ii) a detailed explanation of any significant modifications in requirements or resources, as compared to the plan submitted under that paragraph.

(b) FORM.—The plans required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### SEC. 1242. MODIFICATION OF REPORTING REQUIREMENTS RELATING TO THE OPEN SKIES TREATY.

(a) PLAN FOR IMPLEMENTATION FLIGHTS.—Section 1235(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1660) is amended—

(1) in paragraph (1)—

(A) by striking “the President” and inserting “the Secretary of Defense”; and

(B) by striking “with respect to such fiscal year” and inserting “with respect to the calendar year in which the flight is to be conducted”;

(2) in paragraph (2), by striking “during such fiscal year” and inserting “during such calendar year”; and

(3) in paragraph (3), by striking “with respect to a fiscal year” and inserting “with respect to a calendar year”.

(b) QUARTERLY REPORTS ON OBSERVATION FLIGHTS BY THE RUSSIAN FEDERATION.—

(1) IN GENERAL.—Paragraph (1) of subsection (c) of section 1236 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2491) is amended by striking “on a quarterly basis” and inserting “on an annual basis”.

(2) CONFORMING AMENDMENT.—Such subsection is further amended, in the subsection heading, by striking “QUARTERLY” and inserting “ANNUAL”.

#### SEC. 1243. REPORT ON NUCLEAR WEAPONS OF THE RUSSIAN FEDERATION AND NUCLEAR MODERNIZATION OF THE PEOPLE'S REPUBLIC OF CHINA.

(a) IN GENERAL.—Not later than February 15, 2020, the Secretary of Defense, in coordination with the Director of National Intel-

ligence and the Secretary of State, shall submit to the appropriate committees of Congress a report that includes the following:

(1) An assessment of the deployed nuclear weapons of the Russian Federation not covered by the New START Treaty.

(2) An assessment of the nuclear weapons of the Russian Federation in development that would not be covered by the New START Treaty.

(3) An assessment of the strategic nuclear weapons of the Russian Federation that are not deployed.

(4) An assessment of the efforts of the People's Republic of China with respect to nuclear modernization.

(5) The implications of such assessments with respect to the limitations on strategic weapons of the United States and the Russian Federation under the New START Treaty.

(b) FORM.—The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Foreign Relations of the Senate; and

(B) the Committee on Armed Services, the Permanent Select Committee on Intelligence, and the Committee on Foreign Affairs of the House of Representatives.

(2) NEW START TREATY.—The term “New START Treaty” means the Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms, signed on April 8, 2010, and entered into force on February 5, 2011.

#### SEC. 1244. SENSE OF SENATE ON THE 70TH ANNIVERSARY OF THE NORTH ATLANTIC TREATY ORGANIZATION.

Commemorating the 70th anniversary of the North Atlantic Treaty Organization (NATO), the Senate—

(1) recognizes the North Atlantic Treaty Organization as the most successful military alliance in history, founded on the principles of democracy, individual liberty, and the rule of law;

(2) commends the singular contributions of the North Atlantic Treaty Organization to the security, prosperity, and freedom of its members;

(3) upholds membership in the North Atlantic Treaty Organization as a cornerstone of the security and national defense of the United States;

(4) affirms the ironclad commitment of the United States to uphold its obligations under the North Atlantic Treaty, including under Article 5 of such treaty;

(5) honors the contributions of North Atlantic Treaty Organization allies to the security of the United States, including the invocation of Article 5 of the North Atlantic Treaty after the September 11, 2001, terrorist attacks against the United States;

(6) urges North Atlantic Treaty Organization allies to uphold their obligations under Article 3 of the North Atlantic Treaty to “maintain and develop their individual and collective capacity to resist armed attack” by honoring the Defense Investment Pledge made at the Wales Summit in 2014;

(7) notes the commitment of North Atlantic Treaty Organization allies to contribute to strengthening their free institutions, bringing about a better understanding of the principles on which such institutions are founded and promoting conditions of stability and well-being; and

(8) welcomes efforts to reform and modernize the North Atlantic Treaty Organization to meet current and future threats, including though accelerated modernization, improved readiness, command structure adaptation, and increased speed of alliance decision-making.

**SEC. 1245. SENSE OF SENATE ON UNITED STATES FORCE POSTURE IN EUROPE AND THE REPUBLIC OF POLAND.**

It is the sense of the Senate that—

(1) the 2018 National Defense Strategy identifies long-term strategic competition with the Russian Federation as a principal priority for the Department of Defense that requires increased and sustained investment;

(2) despite significant progress through the European Deterrence Initiative, the current force posture of the United States is not yet sufficient to support the National Defense Strategy;

(3) due to the geostrategic location and capabilities of the armed forces of the Republic of Poland, the Republic of Poland is critical to deterring, defending against, and defeating Russian aggression against North Atlantic Treaty Organization allies in Central and Eastern Europe; and

(4) the United States should increase the persistent presence of United States forces in the Republic of Poland, including key combat enabler units such as warfighting headquarters elements—

(A) to enhance deterrence against Russian aggression; and

(B) to reduce the risk of executing Department of Defense contingency plans.

**SEC. 1246. SENSE OF SENATE ON UNITED STATES PARTNERSHIP WITH THE REPUBLIC OF GEORGIA.**

It is the sense of the Senate that the United States should—

(1) promote the enduring strategic partnership of the United States with the Republic of Georgia;

(2) support robust security sector assistance for the Republic of Georgia, including defensive lethal assistance—

(A) to strengthen the defense capabilities and readiness of the Republic of Georgia;

(B) to improve interoperability with North Atlantic Treaty Organization (NATO) forces; and

(C) to bolster deterrence against aggression by the Russian Federation;

(3) enhance security in the Black Sea region by increasing engagement and security cooperation with Black Sea countries, including by increasing the frequency, scale, and scope of North Atlantic Treaty Organization and other multilateral exercises in the Black Sea region with the participation of the Republic of Georgia and Ukraine; and

(4) affirm support for the North Atlantic Treaty Organization open door policy, including the eventual membership of the Republic of Georgia in the North Atlantic Treaty Organization.

**Subtitle E—Matters Relating to the Indo-Pacific Region**

**SEC. 1251. LIMITATION ON USE OF FUNDS TO REDUCE THE TOTAL NUMBER OF MEMBERS OF THE ARMED FORCES IN THE TERRITORY OF THE REPUBLIC OF KOREA.**

None of the funds authorized to be appropriated by this Act may be used to reduce the total number of members of the Armed Forces in the territory of the Republic of Korea below 28,500 until 90 days after the date on which the Secretary of Defense certifies to the congressional defense committees the following:

(1) Such a reduction is in the national security interest of the United States and will not significantly undermine the security of United States allies in the region.

(2) Such a reduction is commensurate with a reduction in the threat posed to the security of the United States and its allies in the region by the conventional military forces of the Democratic People's Republic of Korea.

(3) The Secretary has appropriately consulted with allies of the United States, including the Republic of Korea and Japan, regarding such a reduction.

**SEC. 1252. EXPANSION OF INDO-PACIFIC MARITIME SECURITY INITIATIVE.**

Section 1263(b) of the National Defense Authorization Act for Fiscal Year 2016 (10 U.S.C. 333 note) is amended by adding at the end the following new paragraphs:

“(8) The Federated States of Micronesia.

“(9) The Kingdom of Tonga.

“(10) Papua New Guinea.

“(11) The Republic of Fiji.

“(12) The Republic of the Marshall Islands.

“(13) The Republic of Palau.

“(14) The Republic of Vanuatu.

“(15) The Solomon Islands.”.

**SEC. 1253. MODIFICATION OF ANNUAL REPORT ON MILITARY AND SECURITY DEVELOPMENTS INVOLVING THE PEOPLE'S REPUBLIC OF CHINA.**

Paragraph (26) of section 1202(b) of the National Defense Authorization Act for Fiscal Year 2000 (10 U.S.C. 113 note) is amended to read as follows:

“(26) The relationship between Chinese overseas investment, including the Belt and Road Initiative and the Digital Silk Road, and Chinese security and military strategy objectives, including—

“(A) an assessment of Chinese investments or projects likely, or with significant potential, to be converted into military assets of the People's Republic of China;

“(B) an assessment of Chinese investments or projects of greatest concern with respect to United States national security interests;

“(C) a description of any Chinese investment or project linked to military cooperation with the country in which the investment or project is located, such as cooperation on satellite navigation or arms production; and

“(D) an assessment of any Chinese investment or project, and any associated agreement, that—

“(i) presents significant financial risk for the country in which the investment or project is located; or

“(ii) may undermine the sovereignty of such country.”.

**SEC. 1254. REPORT ON RESOURCING UNITED STATES DEFENSE REQUIREMENTS FOR THE INDO-PACIFIC REGION.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than January 31, 2020, the Commander of United States Indo-Pacific Command shall submit to the congressional defense committees a report containing the independent assessment of the Commander with respect to the activities and resources required, for fiscal years 2022 through 2026, to achieve the following objectives:

(A) The implementation of the National Defense Strategy with respect to the Indo-Pacific region.

(B) The maintenance or restoration of the comparative military advantage of the United States with respect to the People's Republic of China.

(C) The reduction of the risk of executing contingency plans of the Department of Defense.

(2) MATTERS TO BE INCLUDED.—The report required under paragraph (1) shall include the following:

(A) A description of the intended force structure and posture of assigned and allocated forces within the area of responsibility of United States Indo-Pacific Command for

fiscal year 2026 to achieve the objectives described in paragraph (1).

(B) An assessment of capabilities requirements to achieve such objectives.

(C) An assessment of logistics requirements, including personnel, equipment, supplies, storage, and maintenance needs to achieve such objectives.

(D) An identification of required infrastructure and military construction investments to achieve such objectives.

(E) An assessment of security cooperation activities or resources required to achieve such objectives.

(F) A plan to fully resource United States force posture and capabilities, including—

(i) a detailed assessment of the resources necessary to address the elements described in subparagraphs (A) through (E), including specific cost estimates for priority investments or projects—

(I) to increase joint force lethality;

(II) to enhance force design and posture;

(III) to support a robust exercise, experimentation, and innovation program; and

(IV) to strengthen cooperation with allies and partners; and

(ii) a detailed timeline to achieve the intended force structure and posture described in subparagraph (A).

(3) FORM.—The report required under paragraph (1) may be submitted in classified form, but shall include an unclassified summary.

(4) AVAILABILITY.—On submittal of the report to the congressional defense committees, the Commander of United States Indo-Pacific Command shall make the report available to the Secretary of Defense, the Director of Cost Assessment and Program Evaluation, the Chairman of the Joint Chiefs of Staff, the Secretaries of the military departments, and the chiefs of staff of each military service.

(b) BRIEFINGS REQUIRED.—

(1) INITIAL BRIEFING.—Not later than March 15, 2020, the Secretary of Defense, the Director of Cost Assessment and Program Evaluation, and the Chairman of the Joint Chiefs of Staff shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

(2) SUBSEQUENT BRIEFING.—Not later than March 31, 2020, the Secretary of the Air Force, the Secretary of the Army, and the Secretary of the Navy shall provide to the congressional defense committees a joint briefing, and documents as appropriate, with respect to their assessments of the report submitted under subsection (a), including their assessments of the feasibility and advisability of the plan required by paragraph (2)(F) of that subsection.

**SEC. 1255. REPORT ON DISTRIBUTED LAY-DOWN OF UNITED STATES FORCES IN THE INDO-PACIFIC REGION.**

(a) REVIEW.—Acknowledging the pressing need to reduce the presence of the United States Marine Corps on Okinawa, Japan, and to accelerate adjustments to United States force posture in the Indo-Pacific region, the Secretary of Defense, in consultation with the Government of Japan and other foreign governments as necessary, shall conduct a review of the planned distribution of members of the United States Armed Forces in Okinawa, Guam, Hawaii, Australia, and elsewhere that is contemplated in support of the joint statement of the United States-Japan Security Consultative Committee issued April 26, 2012, in the District of Columbia (April 27, 2012, in Tokyo, Japan) and revised



on October 3, 2013, in Tokyo, hereafter referred to as the “distributed lay-down”.

(b) ELEMENTS.—The review required by subsection (a) shall include an updated analysis of the distributed lay-down, including—

(1) an assessment of the impact of the distributed lay-down on the ability of the Armed Forces to respond to current and future contingencies in the area of responsibility of United States Indo-Pacific Command that reflects contingency plans of the Department of the Defense;

(2) the projected total cost, including any past or projected changes in cost;

(3) a description of the adequacy of current and expected training resources at each location associated with the distributed lay-down, including the ability to train against the full spectrum of threats from near-peer or peer threats any projected limitations due to political, environmental, or other limiting factors;

(4) an assessment of political support for United States force presence from host countries and local communities and populations;

(5) an analysis of growth potential for increased force size or training; and

(6) an updated and detailed description of any military construction projects required to execute the distributed lay-down.

(c) CERTIFICATION.—Not later than 15 days after the completion of the review required by subsection (a), the Secretary of Defense shall submit to the congressional defense committees—

(1) a certification that the Department of Defense will continue implementation of the distributed lay-down; or

(2) a notification that the Department of Defense intends to seek revisions to the distributed lay-down in consultation with the Government of Japan.

(d) REPORT.—Not later than 120 days after the completion of the review required by subsection (a), the Secretary of Defense shall provide the congressional defense committees a report on the results of the review, including—

(1) a detailed description of any recommendations for revisions to the distributed lay-down such as alternative locations for basing in Alaska, Hawaii, the continental United States, Japan, and Oceania; and

(2) an assessment of the results of the review and recommendations described in paragraph (1) by the Chairman of the Joint Chiefs of Staff.

(e) COMPTROLLER GENERAL REPORT.—Not later than 120 days after the submission of the report required by subsection (d), the Comptroller General of the United States shall submit to the congressional defense committees a report containing an analysis of the current status of the distributed lay-down, the review described in subsection (a), and the report described in subsection (d).

#### **SEC. 1256. SENSE OF SENATE ON THE UNITED STATES-JAPAN ALLIANCE AND DEFENSE COOPERATION.**

It is the sense of the Senate that—

(1) the United States-Japan alliance remains the cornerstone of peace and security for a free and open Indo-Pacific region;

(2) although the United States Government does not take a position on sovereignty of the Senkaku Islands, the United States acknowledges that the islands are under the administration of Japan and opposes any unilateral actions that would seek to undermine their administration by Japan;

(3) the unilateral actions of a third party will not affect United States acknowledgment of the administration of Japan over the Senkaku Islands, and the United States remains committed under the Treaty of Mutual Cooperation and Security with Japan to respond to any armed attack in the territories under the administration of Japan;

(4) Japan continues to make contributions to regional security and prosperity that make the United States safer and more prosperous;

(5) the Government of Japan has played a critical leadership role in promoting a free and open Indo-Pacific, which is a primary objective of United States national security policy, including through its efforts concerning trade, investment, energy, rule of law, and good governance;

(6) the Government of Japan has been instrumental improving cooperation between the United States, Japan, Australia, and India as well as improving relations with countries in the Association of Southeast Asian Nations;

(7) the Government of Japan has been a strong supporter of United States efforts to achieve the complete and verifiable denuclearization of North Korea, and has played a leading role in enforcing United Nations Security Council Resolution sanctions against North Korea;

(8) the Government of Japan has taken significant steps to enhance military capabilities for its own defense while increasing its contributions to collective security, including through passage of legislation concerning collective self-defense, the publication of the National Defense Program Guidelines and the Mid-Term Defense Program, and record investments in advanced defense capabilities in the maritime, air, space, and cyber domains;

(9) while it should continue to increase its defense spending in order to make a greater contribution to allied defense capabilities, the Government of Japan has made among the most significant “burden sharing” contributions of any United States ally, including through direct cost sharing, paying for the realignment of United States forces currently stationed in Okinawa, community support, and other alliance-related expenditures;

(10) upcoming negotiations concerning a new Special Measures Agreement between the United States and Japan should be conducted in a spirit consistent with prior negotiations on the basis of common interest and mutual respect; and

(11) the United States and Japan should take actions to enhance United States-Japan defense cooperation, including through increased use of combined bases for allied operations, further integration of allied command structures, consideration of the establishment of a combined joint task force, enhanced combined contingency planning for both conventional conflict and so-called “gray zone” incidents, and opportunities for co-development of defense equipment and technology cooperation.

#### **SEC. 1257. SENSE OF SENATE ON ENHANCEMENT OF THE UNITED STATES-TAIWAN DEFENSE RELATIONSHIP.**

It is the sense of the Senate that—

(1) the Taiwan Relations Act (22 U.S.C. 3301 et seq.) and the “Six Assurances” are both cornerstones of United States relations with Taiwan;

(2) the United States should strengthen defense and security cooperation with Taiwan to support the development of capable, ready, and modern defense forces necessary for Taiwan to maintain a sufficient self-defense capability;

(3) the United States should strongly support the acquisition by Taiwan of defense articles and services through foreign military sales, direct commercial sales, and industrial cooperation, with an emphasis on anti-ship, coastal defense, anti-armor, air defense, undersea warfare, advanced command, control, communications, computer, intelligence, surveillance, and reconnaissance (C4ISR), and resilient command and control capabilities

that support the asymmetric defense strategy of Taiwan;

(4) the President and Congress should determine the nature and quantity of such defense articles and services based solely upon their judgment of the needs of Taiwan as required by the Taiwan Relations Act;

(5) the United States should continue efforts to improve the predictability of United States arms sales to Taiwan by ensuring timely review of and response to requests of Taiwan for defense articles and services;

(6) the Secretary of Defense should promote policies concerning exchanges that enhance the security of Taiwan including—

(A) opportunities with Taiwan for practical training and military exercises that—

(i) enable Taiwan to maintain a sufficient self-defense capability, as described in section 3(a) of the Taiwan Relations Act (22 U.S.C. 3302(a)); and

(ii) emphasize capabilities consistent with the asymmetric defense strategy of Taiwan;

(B) exchanges between senior defense officials and general officers of the United States and Taiwan, consistent with the Taiwan Travel Act (Public Law 115-135), especially for the purpose of enhancing cooperation on defense planning and improving the interoperability of United States and Taiwan forces; and

(C) opportunities for exchanges between junior officers and senior enlisted personnel of the United States and Taiwan;

(7) the United States and Taiwan should expand cooperation in humanitarian assistance and disaster relief;

(8) the Secretary of Defense should consider supporting the visit of a United States hospital ship to Taiwan as part of the annual “Pacific Partnership” mission, as well as the participation of Taiwan medical vessels in appropriate exercises with the United States, in order to improve disaster response planning and preparedness; and

(9) the Secretary of Defense should continue regular transits of United States Navy vessels through the Taiwan Strait, commend the armed forces of France for their April 6, 2019, legal transit of the Taiwan Strait, and encourage allies and partners to follow suit in conducting such transits, in order to demonstrate the commitment of the United States and its allies and partners to fly, sail, and operate anywhere international law allows.

#### **SEC. 1258. SENSE OF SENATE ON UNITED STATES-INDIA DEFENSE RELATIONSHIP.**

It is the sense of the Senate that the United States should strengthen and enhance its major defense partnership with India and work toward the following mutual security objectives:

(1) Expanding engagement in multilateral frameworks, including the quadrilateral dialogue among the United States, India, Japan, and Australia, to promote regional security and defend shared values and common interests in the rules-based order.

(2) Increasing the frequency and scope of exchanges between senior civilian officials and military officers of the United States and India to support the development and implementation of the major defense partnership.

(3) Exploring additional steps to implement the major defense partner designation to better facilitate interoperability, information sharing, and appropriate technology transfers.

(4) Pursuing strategic initiatives to help develop the defense capabilities of India.

(5) Conducting additional combined exercises with India in the Persian Gulf, Indian Ocean, and western Pacific regions.

(6) Furthering cooperative efforts to promote stability and security in Afghanistan.

**SEC. 1259. SENSE OF SENATE ON SECURITY COMMITMENTS TO THE GOVERNMENTS OF JAPAN AND THE REPUBLIC OF KOREA AND TRILATERAL COOPERATION AMONG THE UNITED STATES, JAPAN, AND THE REPUBLIC OF KOREA.**

It is the sense of the Senate that—

(1) the United States remains committed to its alliances with Japan and the Republic of Korea, which are—

(A) the cornerstones of peace and stability in the Indo-Pacific region; and

(B) based on the shared values of democracy, the rule of law, free and open markets, and respect for human rights;

(2) cooperation among the United States, Japan, and the Republic of Korea is essential for confronting global challenges, including—

(A) preventing the proliferation of weapons of mass destruction;

(B) combating piracy;

(C) assisting victims of conflict and disaster worldwide;

(D) protecting maritime security; and

(E) ensuring freedom of navigation, commerce, and overflight in the Indo-Pacific region;

(3) the United States, Japan, and the Republic of Korea share deep concern that the nuclear and ballistic missile programs, the conventional military capabilities, and the chemical and biological weapons programs of the Democratic People's Republic of Korea, together with the long history of aggression and provocation by the Democratic People's Republic of Korea, pose grave threats to peace and stability on the Korean Peninsula and in the Indo-Pacific region;

(4) the United States welcomes greater security cooperation with and between Japan and the Republic of Korea to promote mutual interests and address shared concerns, including—

(A) the bilateral military intelligence-sharing pact between Japan and the Republic of Korea, signed on November 23, 2016; and

(B) the trilateral intelligence sharing agreement among the United States, Japan, and the Republic of Korea, signed on December 29, 2015; and

(5) recognizing that the security of the United States, Japan, and the Republic of Korea are intertwined because they face common threats, including from the Democratic People's Republic of Korea, the United States welcomes and encourages deeper trilateral defense coordination and cooperation, including through expanded exercises, training, senior-level exchanges, and information sharing.

**SEC. 1260. SENSE OF SENATE ON ENHANCED COOPERATION WITH PACIFIC ISLAND COUNTRIES TO ESTABLISH OPEN-SOURCE INTELLIGENCE FUSION CENTERS IN THE INDO-PACIFIC REGION.**

It is the sense of the Senate that—

(1) the Pacific Island countries in the Indo-Pacific region are critical partners of the United States;

(2) the United States should take steps to enhance collaboration with Pacific Island countries; and

(3) United States Indo-Pacific Command should pursue the establishment of one or more open-source intelligence fusion centers in the Indo-Pacific region to enhance cooperation with Pacific Island countries, which may include participation in an existing fusion center of a partner or ally in lieu of establishing an entirely new fusion center.

**SEC. 1261. SENSE OF SENATE ON ENHANCING DEFENSE AND SECURITY COOPERATION WITH THE REPUBLIC OF SINGAPORE.**

It is the sense of the Senate that—

(1) the United States and the Republic of Singapore have built a strong, enduring, and

forward-looking strategic partnership based on long-standing and mutually beneficial cooperation, including through security, defense, economic, and people-to-people ties;

(2) robust security cooperation between the United States and the Republic of Singapore is crucial to promoting peace and stability in the Indo-Pacific region;

(3) the status of the Republic of Singapore as a major security cooperation partner of the United States, as recognized in the 2005 Strategic Framework Agreement between the United States and the Republic of Singapore for a Closer Partnership in Defense and Security, plays an important role in the global network of strategic partnerships, especially in promoting maritime security and countering terrorism;

(4) the United States highly values the Republic of Singapore's provision of access to its military facilities, which supports the continued security presence of the United States in Southeast Asia and across the Indo-Pacific region;

(5) the United States should continue to welcome the presence of the Singapore Armed Forces in the United States for exercises and training, and should consider opportunities to expand such activities at additional locations in the United States, as appropriate; and

(6) as the United States and the Republic of Singapore negotiate the renewal of the 1990 Memorandum of Understanding Regarding the United States Use of Facilities in Singapore, the United States should—

(A) continue to enhance defense and security cooperation with the Republic of Singapore to promote peace and stability in the Indo-Pacific region based on common interests and shared values;

(B) reinforce the status of the Republic of Singapore as a major security cooperation partner of the United States;

(C) enhance defense cooperation in the military, policy, strategic, and technological spheres, especially concerning maritime security and counterterrorism, counterpiracy, humanitarian assistance and disaster relief, cybersecurity, and biosecurity; and

(D) explore additional steps to better facilitate military interoperability and information sharing through appropriate technology transfers.

**Subtitle F—Reports**

**SEC. 1271. REPORT ON COST IMPOSITION STRATEGY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing the cost imposition strategies of the Department of Defense with respect to the People's Republic of China and the Russian Federation.

(b) ELEMENTS.—The report under subsection (a) shall include the following:

(1) A description of the manner in which the future-years defense program and current operational concepts of the Department are designed to impose costs on the People's Republic of China and the Russian Federation, including—

(A) political, economic, monetary, human capital, and technology costs; and

(B) costs associated with military efficiency and effectiveness.

(2) A description of the policies and processes of the Department relating to the development and execution of cost imposition strategies.

(c) FORM.—The report under subsection (a) shall be submitted in classified form, and shall include an unclassified summary.

**Subtitle G—Other Matters**

**SEC. 1281. NATO SPECIAL OPERATIONS HEADQUARTERS.**

Section 1244 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2541), as most recently amended by section 1280 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1080), is further amended—

(1) in subsection (a), by striking “each of fiscal years 2013 through 2020” and inserting “each of fiscal years 2013 through 2025”;

(2) by striking subsection (c); and

(3) by redesignating subsection (d) as subsection (c).

**SEC. 1282. MODIFICATIONS OF AUTHORITIES RELATING TO ACQUISITION AND CROSS-SERVICING AGREEMENTS.**

(a) REIMBURSEMENT FOR COST OF LOGISTIC SUPPORT, SUPPLIES, AND SERVICES.—Subsection (a) of section 2342 of title 10, United States Code, is amended—

(1) in paragraph (2), by striking “in return for” and all that follows through the period at the end and inserting the following: “in return for—

“(A) the reciprocal provisions of logistic support, supplies, and services by such government or organization to elements of the armed forces; or

“(B) cash reimbursement for the fully burdened cost of the logistic support, supplies, and services provided by the United States.”; and

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

“(3) A reciprocal transaction for logistic support, supplies, and services shall be reconciled not later than one year after the date on which the transaction occurs, at which time the Secretary of Defense shall seek cash reimbursement for the fully burdened cost of the logistic support, supplies, and services provided by the United States that has not been offset by the value of the logistic support, supplies, and services provided by the recipient government or organization.

“(4) An agreement entered into under this section shall require any accrued credits or liabilities resulting from an unequal exchange of logistic support, supplies, and services to be liquidated not less frequently than once every five years.”.

(b) DESIGNATION AND NOTICE OF INTENT TO ENTER INTO AGREEMENT WITH NON-NATO COUNTRY.—Subsection (b) of such section is amended to read as follows:

“(b)(1) The Secretary of Defense may not designate a country for an agreement under this section unless—

“(A) the Secretary, after consultation with the Secretary of State, determines that the designation of such country for such purpose is in the interest of the national security of the United States; and

“(B) in the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary submits to the appropriate committees of Congress notice of the intended designation not less than 30 days before the date on which such country is designated by the Secretary under subsection (a).

“(2) In the case of a country that is not a member of the North Atlantic Treaty Organization, the Secretary of Defense may not enter into an agreement under this section unless the Secretary submits to the appropriate committees of Congress a notice of intent to enter into such an agreement not less than 30 days before the date on which the Secretary enters into the agreement.”.

(c) OVERSIGHT AND MONITORING RESPONSIBILITIES.—Such section is further amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively; and

(2) by inserting after subsection (e) the following new subsection (f):

“(f)(1) The Under Secretary of Defense for Policy shall have primary responsibility within the Office of the Secretary of Defense for oversight of agreements entered into and activities carried out under the authority of this subchapter.

“(2) The Director of the Defense Security Cooperation Agency shall have primary responsibility for—

“(A) monitoring the implementation of such agreements; and

“(B) accounting for logistic support, supplies, and services received or provided under such authority.”.

(d) REGULATIONS.—Subsection (g) of such section, as redesignated by subsection (c)(1), is amended to read as follows:

“(g)(1) Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall prescribe regulations to ensure that—

“(A) contracts entered into under this subchapter are free from self-dealing, bribery, and conflict of interests;

“(B) adequate processes and controls are in place to provide for the accurate accounting of logistic support, supplies, and services received or provided under the authority of this subchapter; and

“(C) personnel responsible for accounting for logistic support, supplies, and services received or provided under such authority are fully trained and aware of such responsibilities.

“(2)(A) Not later than 270 days after the issuance of the regulations under paragraph (1), the Comptroller General of the United States shall conduct a review of the implementation by the Secretary of such regulations.

“(B) The review conducted under subparagraph (A) shall—

“(i) assess the effectiveness of such regulations and the implementation of such regulations to ensure the effective management and oversight of an agreement under subsection (a)(1); and

“(ii) include any other matter the Comptroller General considers relevant.”.

(e) REPORTS.—Subsection (h) of such section, as redesignated by subsection (c)(1), is amended—

(1) in paragraph (1), by inserting “in effect” and inserting “that have entered into force or were applied provisionally”;

(2) in paragraph (2)—

(A) by striking “date on which the Secretary” and all that follows through the period at the end and inserting “dates on which the Secretary notified Congress—

“(A) pursuant to subsection (b)(1)(B) of the designation of such country under subsection (a); and

“(B) pursuant to subsection (b)(2) of the intent of the Secretary to enter into the agreement.”;

(3) by amending paragraph (3) to read as follows:

“(3) With respect to each such agreement, the dollar amounts of—

“(A) each class or type of logistic support, supplies, and services provided in the preceding fiscal year; and

“(B) reciprocal provisions of logistic support, supplies, and services, or cash reimbursements, received in such fiscal year.”;

(4) by amending paragraph (4) to read as follows:

“(4) With respect to each such agreement, the dollar amounts of—

“(A) each class or type of logistic support, supplies, and services received; and

“(B) reciprocal provisions of logistic support, supplies, and services, or cash reimbursements provided.”;

(5) by striking paragraph (5); and

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

“(5) With respect to any transaction for logistic support, supplies, and services that has not been reconciled more than one year after the date on which the transaction occurred, a description of the transaction that includes the following:

“(A) The date on which the transaction occurred.

“(B) The country or organization to which logistic support, supplies, and services were provided.

“(C) The value of the transaction.

“(6) An explanation of any waiver granted under section 2347(c) during the preceding fiscal year, including an identification of the relevant contingency operation or non-combat operation.”.

#### SEC. 1283. MODIFICATION OF AUTHORITY FOR UNITED STATES-ISRAEL ANTI-TUNNEL COOPERATION ACTIVITIES.

(a) IN GENERAL.—Subsection (a) of section 1279 of the National Defense Authorization Act for Fiscal Year 2016 (22 U.S.C. 8606 note) is amended, in the first sentence, by striking “and to establish capabilities for countering unmanned aerial systems”.

(b) EXCEPTION TO MATCHING CONTRIBUTION REQUIREMENT.—Subsection (b)(3) of such section is amended—

(1) by striking “Support” and inserting the following:

“(A) IN GENERAL.—Except as provided in subparagraph (B), support”;

(2) by adding at the end the following:

“(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to anti-tunnel capabilities.”.

#### SEC. 1284. UNITED STATES-ISRAEL COOPERATION TO COUNTER UNMANNED AERIAL SYSTEMS.

(a) AUTHORITY TO ESTABLISH CAPABILITIES TO COUNTER UNMANNED AERIAL SYSTEMS.—

(1) IN GENERAL.—The Secretary of Defense, upon request of the Ministry of Defense of Israel and in consultation with the Secretary of State and the Director of National Intelligence, is authorized to carry out research, development, test, and evaluation, on a joint basis with Israel, to establish capabilities for countering unmanned aerial systems that threaten the United States or Israel. Any activities carried out pursuant to such authority shall be conducted in a manner that appropriately protects sensitive technology and information and the national security interests of the United States and Israel.

(2) REPORT.—The activities described in paragraph (1) and subsection (b) may not be carried out until after the Secretary of Defense submits to the appropriate committees of Congress a report setting forth the following:

(A) A memorandum of agreement between the United States and Israel regarding sharing of research and development costs for the capabilities described in paragraph (1), and any supporting documents.

(B) A certification that the memorandum of agreement—

(i) requires sharing of costs of projects, including in-kind support, between the United States and Israel;

(ii) establishes a framework to negotiate the rights to any intellectual property developed under the memorandum of agreement; and

(iii) requires the United States Government to receive semiannual reports on expenditure of funds, if any, by the Government of Israel, including a description of what the funds have been used for, when funds were expended, and an identification of entities that expended the funds.

(b) SUPPORT IN CONNECTION WITH THE PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense is authorized to provide maintenance and sustainment support to Israel for the research, development, test, and evaluation activities authorized in subsection (a)(1). Such authority includes authority to install equipment necessary to carry out such research, development, test, and evaluation.

(2) REPORT.—Support may not be provided under paragraph (1) until 15 days after the Secretary submits to the appropriate committees of Congress a report setting forth a detailed description of the support to be provided.

(3) MATCHING CONTRIBUTION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), support may not be provided under this subsection unless the Government of Israel contributes an amount not less than the amount of support to be so provided to the program, project, or activity for which the support is to be so provided in the calendar year in which the support is provided.

(B) EXCEPTION.—Subject to paragraph (4), the Secretary may use amounts available to the Secretary in excess of the amount contributed by the Government of Israel to provide support under this subsection for costs associated with any unique national requirement identified by the United States with respect to countering unmanned aerial systems.

(4) ANNUAL LIMITATION ON AMOUNT.—The amount of support provided under this subsection in any year may not exceed \$25,000,000.

(5) USE OF CERTAIN AMOUNTS FOR RDT&E ACTIVITIES IN THE UNITED STATES.—Of the amount provided by the United States in support under paragraph (1), not less than 50 percent of such amount shall be used for research, development, test, and evaluation activities in the United States in connection with such support.

(c) LEAD AGENCY.—The Secretary of Defense shall designate an appropriate research and development entity of a military department as the lead agency of the Department of Defense in carrying out this section.

(d) SEMIANNUAL REPORTS.—The Secretary of Defense shall submit to the appropriate committees of Congress on a semiannual basis a report that contains a copy of the most recent semiannual report provided by the Government of Israel to the Department of Defense pursuant to subsection (a)(2)(B)(iii).

(e) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Homeland Security, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Homeland Security, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(f) SUNSET.—The authority in this section to carry out activities described in subsection (a), and to provide support described in subsection (b), shall expire on December 31, 2024.

**SEC. 1285. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.**

Section 1286(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended by adding at the end the following new paragraph:

“(8) A list, developed in consultation with the Bureau of Industry and Security of the Department of Commerce, the Director of National Intelligence, and United States academic institutions that conduct significant Department of Defense research or engineering activities, of academic institutions of the People’s Republic of China and the Russian Federation that—

“(A) are associated with a defense program of the People’s Republic of China or the Russian Federation, including any university heavily engaged in military research;

“(B) are known—

“(i) to recruit individuals for the purpose of advancing the talent and capabilities of such a defense program; or

“(ii) to provide misleading transcripts or otherwise attempt to conceal the connections of an individual or institution to such a defense program; or

“(C) pose a serious risk of intangible transfers of defense or engineering technology and research.”.

**SEC. 1286. INDEPENDENT ASSESSMENT OF HUMAN RIGHTS SITUATION IN HONDURAS.**

(a) ASSESSMENT REQUIRED.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall select and enter into an agreement with an independent think tank or a federally funded research and development center to conduct an analysis and assessment of the compliance of the military and security forces of Honduras with international human rights laws and standards.

(2) MATTERS TO BE INCLUDED.—The assessment under paragraph (1) shall include the following:

(A) A description of the military-to-military activities between the United States and Honduras, including the manner in which Department of Defense engagement with the military and security forces of Honduras supports the National Defense Strategy.

(B) An analysis and assessment of the activities of the military and security forces of Honduras with respect to human rights activists.

(C) With respect to United States national security interests, an analysis and assessment of the challenges posed by corruption within the military and security forces of Honduras.

(D) An analysis of—

(i) the security assistance provided to Honduras by the Department of Defense during the 7-year period preceding the date of the enactment of this Act; and

(ii) the extent to which such assistance has improved accountability, transparency, and compliance to international human rights laws and standards in the security and military operations of the Government of Honduras.

(E) Recommendations on the development of future security assistance to Honduras that prioritizes—

(i) compliance of the military and security forces of Honduras with human rights laws and standards;

(ii) citizen security; and

(iii) the advancement of United States national security interests with respect to countering the proliferation of illegal narcotics flows through Honduras.

(F) Any other matters the Secretary considers necessary and relevant to United States national security interests.

(b) REPORT.—Not later than 270 days after the date of the enactment of this Act, the entity selected under subsection (a) shall submit to the appropriate committees of Congress a report on the results of the assessment conducted under that subsection.

(c) DEPARTMENT OF DEFENSE SUPPORT.—The Secretary shall provide the entity selected under subsection (a) with timely access to appropriate information, data, and analyses necessary to carry out the assessment in a thorough and independent manner.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1287. UNITED STATES CENTRAL COMMAND POSTURE REVIEW.**

(a) COMPREHENSIVE REVIEW REQUIRED.—

(1) IN GENERAL.—To clarify the near-term policy and strategy of the United States under the National Defense Strategy with respect to United States Central Command, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, as appropriate, shall conduct a comprehensive review of United States military force posture and capabilities in the United States Central Command area of responsibility during the posture review period.

(2) ELEMENTS.—The review conducted under paragraph (1) shall include, for the posture review period, the following elements:

(A) An assessment of the threats and challenges in the United States Central Command area of responsibility, including threats and challenges posed to United States interests by near-peer competitors.

(B) An explanation of the policy and strategic frameworks for addressing the threats and challenges identified under subparagraph (A).

(C) An identification of current and future United States military force posture and capabilities necessary to counter threats, deter conflict, and defend United States national security interests in the United States Central Command area of responsibility.

(D) An assessment of the basing, cooperative security locations, and other infrastructure necessary to support steady state operations in support of the theater campaign plan and potential contingencies that may arise in or affect the United States Central Command area of responsibility, including any potential efficiencies and risk mitigation measures to be taken.

(E) A description of methods to mitigate risk that may result from adjustments to United States military force posture and capabilities deployed in the United States Central Command area of responsibility.

(F) An explanation of the manner in which a modernized global operating model or dynamic force employment approach may yield efficiencies and increase strategic flexibility while achieving United States military objectives in the United States Central Command area of responsibility.

(G) An articulation of the United States nonmilitary efforts and activities necessary to enable the achievement of United States national security interests in the United States Central Command area of responsibility.

(H) Any other matter the Secretary considers relevant.

(b) REPORT.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the results of the review conducted under subsection (a).

(2) FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) POSTURE REVIEW PERIOD DEFINED.—In this section, the term “posture review period” means the period beginning on the date that is five years after the date of the enactment of this Act and ending on the date that is 15 years after such date of enactment.

**SEC. 1288. REPORTS ON EXPENSES INCURRED FOR IN-FLIGHT REFUELING OF SAUDI COALITION AIRCRAFT CONDUCTING MISSIONS RELATING TO CIVIL WAR IN YEMEN.**

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, and every 30 days thereafter, the Secretary of Defense shall submit a report to the appropriate committees of Congress detailing the expenses incurred by the United States in providing in-flight refueling services for Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen during the period of March 1, 2015, through November 11, 2018, and the extent to which such expenses have been reimbursed by members of the Saudi-led coalition.

(2) ELEMENTS.—Each report required under paragraph (1) shall include the following:

(A) The total expenses incurred by the United States in providing in-flight refueling services, including fuel, flight hours, and other applicable expenses, to Saudi or Saudi-led coalition, non-United States aircraft conducting missions as part of the civil war in Yemen.

(B) The amount of the expenses described in subparagraph (A) that has been reimbursed by each member of the Saudi-led coalition.

(C) Any action taken by the United States to recoup the remaining expenses described in subparagraph (A), including any commitments by members of the Saudi-led coalition to reimburse the United States for such expenses.

(3) SUNSET.—The reporting requirement under paragraph (1) shall cease to be effective on the date on which the Secretary certifies to the appropriate committees of Congress that all expenses incurred by the United States in providing in-flight refueling services for Saudi or Saudi-led coalition non-United States aircraft conducting missions as part of the civil war in Yemen during the period of March 1, 2015, through November 11, 2018, have been reimbursed.

(b) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services of the Senate;

(2) the Committee on Armed Services of the House of Representatives;

(3) the Committee on Foreign Relations of the Senate; and

(4) the Committee on Foreign Affairs of the House of Representatives.

**SEC. 1289. SENSE OF SENATE ON SECURITY CONCERNS WITH RESPECT TO LEASING ARRANGEMENTS FOR THE PORT OF HAIFA IN ISRAEL.**

It is the sense of the Senate that the United States—

(1) has an interest in the future forward presence of United States naval vessels at the Port of Haifa in Israel but has serious security concerns with respect to the leasing arrangements of the Port of Haifa as of the date of the enactment of this Act; and

(2) should urge the Government of Israel to consider the security implications of foreign investment in Israel.

### **TITLE XIII—COOPERATIVE THREAT REDUCTION**

#### **SEC. 1301. FUNDING ALLOCATIONS FOR DEPARTMENT OF DEFENSE COOPERATIVE THREAT REDUCTION PROGRAM.**

(a) IN GENERAL.—Of the \$338,700,000 authorized to be appropriated to the Department of Defense for fiscal year 2020 in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program established under section 1321 of the Department of Defense Cooperative Threat Reduction Act (50 U.S.C. 3711), the following amounts may be obligated for the purposes specified:

(1) For strategic offensive arms elimination, \$492,000.

(2) For chemical weapons destruction, \$12,856,000.

(3) For global nuclear security, \$33,919,000.

(4) For biological threat reduction, \$183,642,000.

(5) For proliferation prevention, \$79,869,000.

(6) For activities designated as Other Assessments/Administrative Costs, \$27,922,000.

(b) AVAILABILITY OF FUNDS.—Funds appropriated pursuant to the authorization of appropriations in section 301 and made available by the funding table in division D for the Department of Defense Cooperative Threat Reduction Program shall be available for obligation for fiscal years 2020, 2021, and 2022.

### **TITLE XIV—OTHER AUTHORIZATIONS**

#### **Subtitle A—Military Programs**

#### **SEC. 1401. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4501.

#### **SEC. 1402. CHEMICAL AGENTS AND MUNITIONS DESTRUCTION, DEFENSE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Chemical Agents and Munitions Destruction, Defense, as specified in the funding table in section 4501.

(b) USE.—Amounts authorized to be appropriated under subsection (a) are authorized for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

#### **SEC. 1403. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4501.

#### **SEC. 1404. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4501.

#### **SEC. 1405. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Defense Health Program, as specified in the funding table in section 4501, for use of the Armed Forces and other activities and agencies of

the Department of Defense in providing for the health of eligible beneficiaries.

#### **Subtitle B—National Defense Stockpile**

#### **SEC. 1411. MODIFICATION OF PROHIBITION ON ACQUISITION OF SENSITIVE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.**

(a) EXPANSION OF MATERIALS COVERED BY PROHIBITION ON SALE FROM NATIONAL DEFENSE STOCKPILE.—Subsection (a)(2) of section 2533c of title 10, United States Code, is amended, in the matter preceding subparagraph (A), by striking “covered material” and inserting “material”.

(b) INCLUSION OF TANTALUM IN DEFINITION OF COVERED MATERIALS.—Subsection (d)(1) of such section is amended—

(1) in subparagraph (C), by striking “; and” and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting “; and”; and

(3) by adding at the end the following new subparagraph:

“(E) tantalum.”.

#### **Subtitle C—Armed Forces Retirement Home**

#### **SEC. 1421. AUTHORIZATION OF APPROPRIATIONS FOR ARMED FORCES RETIREMENT HOME.**

There is hereby authorized to be appropriated for fiscal year 2020 from the Armed Forces Retirement Home Trust Fund the sum of \$64,300,000 for the operation of the Armed Forces Retirement Home.

#### **SEC. 1422. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCES RETIREMENT HOME.**

(a) EXPANSION OF ELIGIBILITY TO CERTAIN MEMBERS WITH NON-REGULAR SERVICE.—Section 1512(a) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 412(a)) is amended—

(1) in the first sentence, by striking “active”;

(2) in paragraph (1), by striking “are 60 years of age or over and” and

(3) by adding the following new paragraph:

“(5) Persons who are eligible for retired pay under chapter 1223 of title 10, United States Code, and—

“(A) are eligible for care under section 1710 of title 38, United States Code;

“(B) are enrolled in coverage under chapter 55 of title 10, United States Code; or

“(C) are enrolled in a qualified health plan acceptable to the Chief Operating Officer.”.

(b) PARITY OF MONTHLY FEES.—Paragraph (2) of section 1514(c) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 414(c)) is amended to read as follows:

“(2)(A) The fee shall be fixed as a percentage of the monthly income and monthly payments (including Federal payments) received by a resident. The percentage shall be the same for each facility of the Retirement Home. The Secretary of Defense may make any adjustment in the percentage that the Secretary determines appropriate.

“(B) The amount of the monthly income and monthly payments calculated under subparagraph (A) for a resident accepted under section 1512(a)(5) may not be less than the current monthly retirement pay for equivalent active duty service as determined by the Chief Operating Officer, except as the Chief Operating Officer may otherwise provide due to compelling personal circumstances of the resident.”.

(c) PAY DEDUCTIONS.—Section 1007(i) of title 37, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “or compensation, as applicable,” after “pay”; and

(B) by striking “on active duty”;

(2) in paragraph (3), by striking “Board” and inserting “Chief Operating Officer”; and

(3) by striking paragraph (4).

(d) ADMISSION FEES FOR RESIDENTS BASED ON NON-REGULAR SERVICE.—Section 1514 of

the Armed Forces Retirement Home Act of 1991, as amended by subsection (b), is further amended—

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

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

“(b) ADMISSION FEES FOR CERTAIN RESIDENTS.—The Administrator of each facility of the Retirement Home may also collect a fee upon admission from a resident accepted under section 412(a)(5) equal to the deductions then in effect under section 1007(i)(1) of title 37, United States Code, for each year of non-regular service of the resident before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”; and

(3) in subsection (c), as redesignated by paragraph (1), by striking “subsection (a)” and inserting “subsections (a) and (b)”.

#### **Subtitle D—Other Matters**

#### **SEC. 1431. AUTHORITY FOR TRANSFER OF FUNDS TO JOINT DEPARTMENT OF DEFENSE-DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITY DEMONSTRATION FUND FOR CAPTAIN JAMES A. LOVELL HEALTH CARE CENTER, ILLINOIS.**

(a) AUTHORITY FOR TRANSFER OF FUNDS.—Of the funds authorized to be appropriated by section 1405 and available for the Defense Health Program for operation and maintenance, \$127,000,000 may be transferred by the Secretary of Defense to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund established by subsection (a)(1) of section 1704 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2571). For purposes of subsection (a)(2) of such section 1704, any funds so transferred shall be treated as amounts authorized and appropriated specifically for the purpose of such a transfer.

(b) USE OF TRANSFERRED FUNDS.—For the purposes of subsection (b) of such section 1704, facility operations for which funds transferred under subsection (a) may be used are operations of the Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility under an operational agreement covered by section 706 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4500).

### **TITLE XV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

#### **Subtitle A—Authorization of Additional Appropriations**

#### **SEC. 1501. PURPOSE.**

The purpose of this subtitle is to authorize appropriations for the Department of Defense for fiscal year 2020 to provide additional funds for overseas contingency operations being carried out by the Armed Forces.

#### **SEC. 1502. OVERSEAS CONTINGENCY OPERATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the Department of Defense for overseas contingency operations in such amounts as may be designated as provided in section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(ii)).

#### **SEC. 1503. PROCUREMENT.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for procurement accounts for the Army, the Navy and the Marine Corps, the Air Force, and Defense-wide activities, as specified in the funding table in section 4102.

**SEC. 1504. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Department of Defense for research, development, test, and evaluation, as specified in the funding table in section 4202.

**SEC. 1505. OPERATION AND MAINTENANCE.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for operation and maintenance, as specified in the funding table in section 4302.

**SEC. 1506. MILITARY PERSONNEL.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for, for military personnel, as specified in the funding table in section 4402.

**SEC. 1507. WORKING CAPITAL FUNDS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds, as specified in the funding table in section 4502.

**SEC. 1508. DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE-WIDE.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for Drug Interdiction and Counter-Drug Activities, Defense-wide, as specified in the funding table in section 4502.

**SEC. 1509. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Office of the Inspector General of the Department of Defense, as specified in the funding table in section 4502.

**SEC. 1510. DEFENSE HEALTH PROGRAM.**

Funds are hereby authorized to be appropriated for the Department of Defense for fiscal year 2020 for expenses, not otherwise provided for, for the Defense Health Program, as specified in the funding table in section 4502.

**Subtitle B—Financial Matters****SEC. 1521. TREATMENT AS ADDITIONAL AUTHORIZATIONS.**

The amounts authorized to be appropriated by this title are in addition to amounts otherwise authorized to be appropriated by this Act.

**SEC. 1522. SPECIAL TRANSFER AUTHORITY.**

(a) **AUTHORITY TO TRANSFER AUTHORIZATIONS.**—

(1) **AUTHORITY.**—Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this title for fiscal year 2020 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.

(2) **LIMITATION.**—The total amount of authorizations that the Secretary may transfer under the authority of this subsection may not exceed \$2,500,000,000.

(b) **TERMS AND CONDITIONS.**—Transfers under this section shall be subject to the same terms and conditions as transfers under section 1001.

(c) **ADDITIONAL AUTHORITY.**—The transfer authority provided by this section is in addition to the transfer authority provided under section 1001.

**TITLE XVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS****Subtitle A—Space Activities****PART I—UNITED STATES SPACE FORCE****SEC. 1601. ASSISTANT SECRETARY OF DEFENSE FOR SPACE POLICY.**

Section 138(b) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(5) One of the Assistant Secretaries is the Assistant Secretary of Defense for Space Policy. The principal duty of the Assistant Secretary shall be the overall supervision of policy of the Department of Defense for space warfighting.”.

**SEC. 1602. PRINCIPAL ASSISTANT TO THE SECRETARY OF THE AIR FORCE FOR SPACE ACQUISITION AND INTEGRATION.**

(a) **REDESIGNATION OF PRINCIPAL ASSISTANT FOR SPACE AS PRINCIPAL ASSISTANT FOR SPACE ACQUISITION AND INTEGRATION.**—

(1) **IN GENERAL.**—The Principal Assistant to the Secretary of the Air Force for Space is hereby redesignated as the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

(2) **REFERENCES.**—Any reference to the Principal Assistant to the Secretary of the Air Force for Space in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

(b) **CODIFICATION OF POSITION AND RESPONSIBILITIES.**—

(1) **IN GENERAL.**—Chapter 903 of title 10, United States Code, is amended—

(A) by redesignating section 9018 as section 9018a; and

(B) by inserting after section 9017 the following new section 9018:

**“§9018. Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration**

“(a)(1) There is within the Office of the Secretary of the Air Force a Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

“(2) The individual serving as Principal Assistant shall have the protocol equivalent in the Department of Defense of an officer in the armed forces serving in a general or admiral grade.

“(b) Subject to the authority, direction, and control of the Secretary of the Air Force, the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration shall do as follows:

“(1) Be responsible for all acquisition and integration of the Air Force for space systems and programs, including in support of the Commander of the United States Space Force under section 9064 of this title.

“(2) Serve as the senior acquisition executive under section 1704 of this title for the Air Force for acquisition for space systems and programs, including for all major defense acquisition programs under chapter 144 of this title for space.

“(3) Oversee and direct each of the following:

“(A) The Space Rapid Capabilities Office under section 2273a of this title.

“(B) The Space and Missile Systems Center.

“(C) The Space Development Agency.

“(4) Oversee and direct acquisition projects for all space systems and programs of the Air Force, including projects for space systems and programs transferred to the Principal Assistant pursuant to section 1602(b)(4) of the National Defense Authorization Act for Fiscal Year 2020.

“(5) Act as the chair of the Space Force Acquisition Council under section 1602(c) of the National Defense Authorization Act for Fiscal Year 2020.

“(c) In addition to the responsibilities provided for in subsection (b), the Principal Assistant shall have such other responsibilities and perform such other duties as the Secretary may prescribe.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 903 of such title is amended by striking the item relating to section 9018 and inserting the following new items:

“9018. Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.

“9018a. Administrative Assistant.”.

(3) **EXECUTIVE SCHEDULE LEVEL V.**—Section 5416 of title 10, United States Code, is amended by adding at the end the following new item:

“Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration.”.

(4) **TRANSFER OF ACQUISITION PROJECTS FOR SPACE SYSTEMS AND PROGRAMS.**—The Secretary of the Air Force shall transfer to the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration under section 9018 of title 10, United States Code (as added by this subsection), responsibility for oversight, direction, and integration of any acquisition projects for space systems and programs of the Air Force that are under the oversight or direction of the Assistant Secretary of the Air Force for Acquisition as of the date of the enactment of this Act.

(c) **SPACE FORCE ACQUISITION COUNCIL.**—

(1) **IN GENERAL.**—There is in the Department of the Air Force a council to be known as the “Space Force Acquisition Council” (in this subsection referred to as the “Council”).

(2) **MEMBERSHIP.**—The members of the Council are as follows:

(A) The Under Secretary of the Air Force.

(B) The Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration, who shall act as chair of the Council.

(C) The Assistant Secretary of Defense for Space Policy.

(D) The Director of the National Reconnaissance Office.

(E) The Commander of the United States Space Command.

(F) The Commander of the United States Space Force.

(3) **FUNCTIONS.**—The Council shall oversee, direct, and manage acquisition and integration of the Air Force for space systems and programs in order to ensure integration across the national security space enterprise.

(4) **MEETINGS.**—The Council shall meet not less frequently than monthly.

(5) **REPORTS.**—Not later than 30 days after the end of each calendar year quarter through the first calendar year quarter of 2025, the Council shall submit to the congressional defense committees a report on the activities of the Council during the calendar year quarter preceding the calendar year quarter in which such report is submitted.

(d) **BRIEFINGS.**—On or about March 31, 2020, and during every calendar year quarter thereafter through March 31, 2022, the Secretary of the Air Force shall provide to the congressional defense committees a briefing on the current status of efforts to implement this section and the amendments made by this section. Each briefing may include such recommendations for legislative and administrative action as the Secretary considers appropriate to facilitate and enhance such efforts.



**SEC. 1603. MILITARY SPACE FORCES WITHIN THE AIR FORCE.**

(a) IN GENERAL.—Section 9062(c) of title 10, United States Code, is amended—

(1) by striking the first sentence and inserting the following:

“(1) The Air Force includes the following:

“(A) Aviation forces both combat and service not otherwise assigned.

“(B) Space forces.”; and

(2) by striking “It shall be organized” and inserting the following:

“(2) The Air Force shall be organized”.

(b) TERRITORIAL ORGANIZATIONS.—

(1) IN GENERAL.—Subsection (b) of section 9074 of title 10, United States Code, is amended by inserting “, including space,” after “other places”.

(2) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§ 9074. Commands: territorial and other organization”.**

(3) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of chapter 907 of such title is amended by striking the item relating to section 9074 and inserting the following new item:

“9074. Commands: territorial and other organization.”.

**SEC. 1604. REDESIGNATION OF AIR FORCE SPACE COMMAND AS UNITED STATES SPACE FORCE.**

(a) REDESIGNATION.—The Air Force Space Command is hereby redesignated as the United States Space Force (USSF).

(b) COMMANDER AND AUTHORITIES.—

(1) IN GENERAL.—Section 2279c of title 10, United States Code, is—

(A) transferred to chapter 907 of such title;

(B) inserted after section 9062; and

(C) as so transferred and inserted, amended to read as follows:

**“§ 9063. United States Space Force**

“(a) UNITED STATES SPACE FORCE.—There is in the Air Force the United States Space Force.

“(b) COMMANDER.—(1) The head of the United States Space Force shall be the Commander of the United States Space Force, who shall be appointed in accordance with section 601 of this title. The officer serving as Commander, while so serving, has the grade of general or admiral without vacating the permanent grade of the officer.

“(2) The Commander shall be appointed to serve a term of four years.

“(c) TEMPORARY CONCURRENT SERVICE AS COMMANDER OF USSF AND COMMANDER OF UNITED STATES SPACE COMMAND.—During the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense may authorize an officer serving as the Commander of the United States Space Force to serve concurrently as the Commander of the United States Space Command under section 169 of this title, without further appointment as otherwise provided for in subsection (c) of such section.

“(d) VICE COMMANDER.—The deputy head of the United States Space Force shall be the Vice Commander of the United States Space Force, who shall be appointed in accordance with section 601 of this title. The officer serving as Vice Commander, while so serving, has the grade of general or admiral without vacating the permanent grade of the officer.

“(e) DUTIES.—(1) Subject to the authority, direction, and control of the Secretary of the Air Force, the Commander of the United States Space Force shall do the following:

“(A) Exercise authority, direction, and control of all space operations—peculiar administrative matters relating to the organization, training, and equipping of the space forces of the Air Force.

“(B) Exercise the authorities and responsibilities assigned to the Commander as Commander of the Air Force Space Command before December 12, 2017.

“(C) Carry out such other duties as the Secretary may specify.

“(2) In carrying out duties under paragraph (1), the Commander of the United States Space Force shall report as follows:

“(A) During the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, to the Secretary of the Air Force through the Chief of Staff of the Air Force.

“(B) After the period described in subparagraph (A), directly to the Secretary of the Air Force.

“(3)(A) During the one-year period beginning on the date of the enactment of the National Defense Authorization Act of 2020, upon the request of the Chairman of the Joint Chiefs of Staff, the Commander of the United States Space Force may participate in any meeting of the Joint Chiefs of Staff in consideration by the Joint Chiefs of Staff of an issue in connection with a duty or responsibility of the Commander.

“(B) Commencing as of the end of the period described in subparagraph (A), the Commander of the United States Space Force shall be a member of the Joint Chiefs of Staff.

“(f) ELEMENTS.—(1) In addition to the elements of the Air Force Space Command as of the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the United States Space Force shall include other military and civilian personnel of the Air Force (including appropriate elements of the Air National Guard and the Air Force Reserve), and other infrastructure, assets, and resources of the Air Force, assigned to the Space Force by the Secretary of the Air Force.

“(2) The Secretary shall provide for the Space Force a cadre of military and civilian personnel within the Air Force who shall assist the Space Force in establishing and maintaining an ethos and culture for space warfighting.”.

(2) SERVICE OF INCUMBENT COMMANDER OF AIR FORCE SPACE COMMAND AS COMMANDER OF UNITED STATES SPACE FORCE.—The individual serving as Commander of the Air Force Space Command as of the date of the enactment of this Act may serve as the Commander of the United States Space Force under subsection (b) of section 9063 of title 10, United States Code (as added by paragraph (1)), after that date without further appointment as otherwise provided for by that subsection.

(3) SECRETARY OF DEFENSE REPORT ON CONCURRENCY OF COMMAND.—

(A) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth an assessment of the advisability of permitting the Commander of the United States Space Force to serve concurrently as Commander of the United States Space Command as authorized by subsection (c) of section 9063 of title 10, United States Code (as so added).

(B) COMPTROLLER GENERAL BRIEFING.—Not later than 30 days after the submittal of the report required by subparagraph (A), the Comptroller General of the United States shall provide the congressional defense committees a briefing on the assessment of the Comptroller General of the matters contained in the report.

(4) SECRETARY OF THE AIR FORCE BRIEFINGS ON USSF.—On or about March 31, 2020, and during every calendar year quarter thereafter through March 31, 2022, the Secretary of the Air Force shall provide the congress-

sional defense committees a briefing on the following:

(A) The current status of the missions and manpower of the United States Space Force under section 9063 of title 10, United States Code (as so added), including the current status of the assumption by the United States Space Force of the elements to constitute the United States Space Force, including the elements of the Air Force Space Command and the elements assigned pursuant to subsection (f)(1) of such section.

(B) The current status of activities of the cadre of personnel required by subsection (f)(2) of such section 9063 (as so added), including an assessment of the progress of the cadre in establishing and maintaining the ethos and culture described in that subsection.

(5) NO AUTHORIZATION OF ADDITIONAL MILITARY BILLETS OR CIVILIAN PERSONNEL.—The Secretary of the Air Force shall carry out this subsection and the amendments made by this subsection within military and civilian personnel of the Air Force otherwise authorized by this Act. Nothing in this subsection or the amendments made by this subsection shall be construed to authorize additional military billets or the employment of additional civilian personnel for the purposes of, or in connection with, the establishment of the United States Space Force.

(c) CONFORMING AMENDMENT TO US SPACE COMMAND COMMANDER AUTHORITY.—Section 169(c) of title 10, United States Code, is amended by striking paragraph (2) and inserting the following new paragraph (2):

“(2) If authorized by the Secretary of Defense pursuant to section 9063(c) of this title, the officer serving as Commander of the United States Space Force also serves concurrently as Commander of the United States Space Command, but only during the one-year period beginning on the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020.”.

(d) JOINT CHIEFS OF STAFF MATTERS.—Effective on the date that is one year after the date of the enactment of this Act, section 151(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:

“(8) The Commander of the United States Space Force.”.

(e) CLERICAL AMENDMENTS.—

(1) CHAPTER 135.—The table of sections at the beginning of chapter 135 of title 10, United States Code, is amended by striking the item relating to section 2279c.

(2) CHAPTER 907.—The table of sections at the beginning of chapter 907 of such title is amended by inserting after the item relating to section 9062 the following new item:

“9063. United States Space Force.”.

(f) REFERENCES.—Any reference to the Air Force Space Command in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the United States Space Force.

**SEC. 1605. ASSIGNMENT OF PERSONNEL TO THE NATIONAL RECONNAISSANCE OFFICE FOR MISSION NEEDS.**

(a) USSF AS PRIMARY SOURCE OF PERSONNEL.—Effective as of the date of the enactment of this Act, military and civilian personnel of the United States Space Force under section 9063 of title 10, United States Code (as added by section 1604(b) of this Act), shall be the primary source of military and civilian personnel of the Department of the Air Force who may be assigned to the National Reconnaissance Office.

(b) ASSIGNMENT BY COMMANDER, USSF.—Subject to the authority, direction, and control of the Secretary of the Air Force, the Commander of the United States Space Force shall be responsible for the assignment

of military and civilian personnel of the United States Space Force to the National Reconnaissance Office.

**SEC. 1606. REPORT ON ESTABLISHMENT OF POSITION OF UNDER SECRETARY OF THE AIR FORCE FOR SPACE.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Air Force shall submit to the congressional defense committees a report on the advisability of establishing within the Department of the Air Force a position of Under Secretary of the Air Force for Space with the responsibility of providing civilian oversight to the United States Space Force (as provided for by section 1604 of this Act).

(b) CONSIDERATIONS.—In preparing the report required by subsection (a), the Secretary shall take into consideration the tasks and operations of the staff of the Air Force in support of the space warfighting mission of the Air Force and such other matters as the Secretary considers appropriate.

**SEC. 1607. REPORT ON ENHANCED INTEGRATION OF CAPABILITIES OF THE NATIONAL SECURITY AGENCY, THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY, AND THE UNITED STATES SPACE COMMAND FOR JOINT OPERATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, submit to the congressional defense committees a report setting forth the results of a review, conducted for purposes of the report, on processes designed to achieve more effective integration of capabilities among the National Security Agency, the National Geospatial-Intelligence Agency, and the United States Space Command for joint operations in a manner that does not result in the impairment of the authorities or responsibilities of the Director.

**SEC. 1608. LIMITATION ON AVAILABILITY OF FUNDS.**

None of the amounts authorized to be appropriated for fiscal year 2020 by this Act and available for the Air Force for programs, projects, or activities for space, including acquisition programs, projects, or activities, may be obligated or expended until the date on which the Secretary of the Air Force completes briefings of the congressional defense committees on the plans of the Air Force to implement this part and the amendments made by this part, including the following:

(1) The establishment of the office of the Principal Assistant to the Secretary of the Air Force for Space Acquisition and Integration under section 9018 of title 10, United States Code (as added by section 1602 of this Act).

(2) The establishment of the United States Space Force required by section 9063 of title 10, United States Code (as added by section 1604 of this Act).

**PART II—OTHER SPACE MATTERS**

**SEC. 1611. REPEAL OF REQUIREMENT TO ESTABLISH SPACE COMMAND AS A SUBORDINATE UNIFIED COMMAND OF THE UNITED STATES STRATEGIC COMMAND.**

(a) IN GENERAL.—Section 169 of title 10, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 6 of title 10, United States Code, is amended by striking the item relating to section 169.

**SEC. 1612. PROGRAM TO ENHANCE AND IMPROVE LAUNCH SUPPORT AND INFRASTRUCTURE.**

(a) IN GENERAL.—In support of the policy described in section 2273(a) of title 10, United States Code, the Secretary of Defense may carry out a program to enhance infrastruc-

ture and improve support activities for the processing and launch of Department of Defense small-class and medium-class payloads.

(b) PROGRAM.—The program under subsection (a) shall include improvements to operations at launch ranges and Federal Aviation Administration-licensed spaceports that are consistent with, and necessary to permit, the use of such launch ranges and spaceports by the Department.

(c) CONSULTATION.—In carrying out the program under subsection (a), the Secretary may consult with current and anticipated users of launch ranges and Federal Aviation Administration-licensed spaceports, including the Space Rapid Capabilities Office.

(d) COOPERATION.—In carrying out the program under subsection (a), the Secretary may enter into a contract or agreement under section 2276 of title 10, United States Code.

(e) REPORT.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a report describing a plan for the program under subsection (a).

**SEC. 1613. MODIFICATION OF ENHANCEMENT OF POSITIONING, NAVIGATION, AND TIMING CAPACITY.**

(a) CAPABILITY FOR TRUSTED SIGNALS.—

(1) SUBSECTION HEADING.—Subsection (a) of section 1609 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended, in the subsection heading, by striking “TRUSTED SIGNALS” and inserting “ALTERNATIVE GLOBAL NAVIGATION SATELLITE SYSTEM SIGNALS”.

(2) REQUIREMENT.—Paragraph (1) of such subsection is amended to read as follows:

“(1) REQUIREMENT.—The Secretary of the Air Force shall ensure that military Global Positioning System (GPS) user equipment terminals have the capability, as appropriate to user needs and constraints, to incorporate signals from the Galileo satellites of the European Union and the QZSS satellites of Japan, beginning with the implementation of open-system architecture solutions, such as the Resilient-Embedded GPS/Inertial Navigation System (R-EGI), to accompany other alternative and complementary navigation sources for robust positioning, navigation, and timing.”.

(3) WAIVER.—Paragraph (2) of such subsection is amended—

(A) in subparagraph (A), by striking “could not integrate such capability beginning with increment 2 of the acquisition of such terminals” and inserting “should not integrate such capability into the Resilient-Embedded GPS/Inertial Navigation System architecture”; and

(B) in subparagraph (B), by inserting “that considers the addition of multi-Global Navigation Satellite System (GNSS) signals to provide substantive military utility” after “such terminals”.

(b) CAPABILITY FOR OTHER SIGNALS.—Subsection (b) of such section is amended, in the matter preceding paragraph (1)—

(1) by inserting “other allied and” before “non-allied positioning, navigation, and timing signals”; and

(2) by striking “increment 2 of the acquisition of such terminals” and inserting “the Resilient-Embedded GPS/Inertial Navigation System architecture”.

**SEC. 1614. MODIFICATION OF TERM OF COMMANDER OF AIR FORCE SPACE COMMAND.**

Section 2279c(a)(2) of title 10, United States Code, is amended, in the first sentence, by striking “six years” and inserting “four years”.

**SEC. 1615. ANNUAL REPORT ON SPACE COMMAND AND CONTROL PROGRAM.**

(a) IN GENERAL.—For each of fiscal years 2021 through 2025, concurrent with the sub-

mittal to Congress of the budget of the Department of Defense with the budget of the President for the subsequent fiscal year under section 1105(a) of title 31, United States Code, the Secretary of the Air Force shall submit to the Under Secretary of Defense for Acquisition and Sustainment, the congressional defense committees, and the Comptroller General of the United States, an annual report on the Space Command and Control program.

(b) MATTERS TO BE INCLUDED.—Each report required by subsection (a) shall include the following:

(1) A description of any modification to the metrics established by the Secretary in the acquisition strategy for the program.

(2) The short-term objectives for the subsequent fiscal year.

(3) For the preceding fiscal year, a description of—

(A) the ongoing, achieved, and deferred objectives;

(B) the challenges encountered and the lessons learned;

(C) the modifications made or planned so as to incorporate such lessons learned into subsequent efforts to address challenges; and

(D) the cost, schedule, and performance effects of such modifications.

(c) REVIEW OF REPORTS AND BRIEFING BY COMPTROLLER GENERAL.—With respect to each report submitted under this section, the Comptroller General shall review and provide to the congressional defense committees a briefing on a date mutually agreed on by the Comptroller General and the congressional defense committees.

**SEC. 1616. REQUIREMENTS FOR PHASE 2 OF ACQUISITION STRATEGY FOR NATIONAL SECURITY SPACE LAUNCH PROGRAM.**

In carrying out phase 2 of the acquisition strategy for the national security space launch program, the Secretary of the Air Force—

(1) may not—

(A) modify the acquisition schedule or mission performance requirements; or

(B) award missions to more than two launch service providers; and

(2) shall ensure that launch services are procured only from launch service providers that use launch vehicles meeting each Government requirement with respect to required payloads to reference orbits.

**Subtitle B—Defense Intelligence and Intelligence-related Activities**

**SEC. 1621. REDESIGNATION OF UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AS UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE AND SECURITY.**

(a) REDESIGNATION OF UNDER SECRETARY.—

(1) IN GENERAL.—The Under Secretary of Defense for Intelligence is hereby redesignated as the Under Secretary of Defense for Intelligence and Security.

(2) SERVICE OF INCUMBENT IN POSITION.—The individual serving as Under Secretary of Defense for Intelligence as of the date of the enactment of this Act may serve as Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137 of title 10, United States Code (as amended by subsection (c)(1)(A)(ii)).

(3) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Under Secretary of Defense for Intelligence and Security.

(b) REDESIGNATION OF RELATED DEPUTY UNDER SECRETARY.—

(1) IN GENERAL.—The Deputy Under Secretary of Defense for Intelligence is hereby

redesignated as the Deputy Under Secretary of Defense for Intelligence and Security.

(2) SERVICE OF INCUMBENT IN POSITION.—The individual serving as Deputy Under Secretary of Defense for Intelligence as of the date of the enactment of this Act may serve as Deputy Under Secretary of Defense for Intelligence and Security commencing as of that date without further appointment under section 137a of title 10, United States Code (as amended by subsection (c)(1)(B)).

(3) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the Deputy Under Secretary of Defense for Intelligence shall be deemed to be a reference to the Deputy Under Secretary of Defense for Intelligence and Security.

(c) CONFORMING AMENDMENTS.—

(1) TITLE 10.—Title 10, United States Code, is amended as follows:

(A) In each provision as follows, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”:

- (i) Section 131(b)(3)(F).
- (ii) Section 137, each place it appears.
- (iii) Section 139a(d)(6).
- (iv) Section 139b(c)(2)(E).
- (v) Section 181(d)(1)(B).
- (vi) Section 393(b)(2)(C).
- (vii) Section 426, each place it appears.
- (viii) Section 430(a).

(B) In section 137a(c)(6), by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

(C) The heading of section 137 is amended to read as follows:

**“§ 137. Under Secretary of Defense for Intelligence and Security”.**

(D) The table of sections at the beginning of chapter 4 is amended by striking the item relating to section 137 and inserting the following new item:

“137. Under Secretary of Defense for Intelligence and Security.”.

(2) TITLE 5.—Title 5, United States Code, is amended as follows:

(A) In section 5314, by striking “Under Secretary of Defense for Intelligence” and inserting “Under Secretary of Defense for Intelligence and Security”.

(B) In section 5315, by striking “Deputy Under Secretary of Defense for Intelligence” and inserting “Deputy Under Secretary of Defense for Intelligence and Security”.

**SEC. 1622. REPEAL OF CERTAIN REQUIREMENTS RELATING TO INTEGRATION OF DEPARTMENT OF DEFENSE INTELLIGENCE, SURVEILLANCE, AND RECONNAISSANCE CAPABILITIES.**

(a) REPEAL.—Section 426 of title 10, United States Code, is hereby repealed.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 21 of such title is amended by striking the item relating to section 426.

**SEC. 1623. IMPROVING THE ONBOARDING METHODOLOGY FOR CERTAIN INTELLIGENCE PERSONNEL.**

(a) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in covered elements of the intelligence community, including human resources and security processes;

(2) not later than one year after the date of the enactment of this Act, issue metrics for assessing key phases in the onboarding de-

scribed in paragraph (1) for which results will be reported by the date that is 90 days after the date of such issuance;

(3) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on collaboration among covered elements of the intelligence community on their onboarding processes;

(4) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on employment of automated mechanisms in covered elements of the intelligence community, including for tracking personnel as they pass through each phase of the onboarding process; and

(5) not later than December 31, 2020, distribute surveys to human resources offices and applicants about their experiences with the onboarding process in covered elements of the intelligence community.

(b) DEFINITIONS.—In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) The term “covered elements of the intelligence community” means the elements of the intelligence community that are within the following:

- (A) The Department of Energy.
- (B) The Department of Homeland Security.
- (C) The Department of Justice.
- (D) The Department of State.
- (E) The Department of the Treasury.

**SEC. 1624. DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY ACTIVITIES ON FACILITATING ACCESS TO LOCAL CRIMINAL RECORDS HISTORICAL DATA.**

(a) ACTIVITY AUTHORIZED.—The Director of the Defense Counterintelligence and Security Agency may carry out a set of activities relating to facilitating access by the Agency to local criminal records historical data.

(b) ACTIVITIES CHARACTERIZED.—The activities carried out under subsection (a) shall include only the following:

- (1) Training and education.
- (2) Outreach to State, local, and tribal authorities.
- (3) Direct assistance.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Director shall submit to the congressional defense committees a report that details a concept of operation for the set of activities authorized by subsection (a).

(2) ANNUAL REPORTS.—Not later than one year after the date on which the Director submits a report pursuant to paragraph (1) and not less frequently than once each year thereafter, the Director shall submit to the congressional defense committees a detailed report on the activities carried out by the Director under this section.

**Subtitle C—Cyberspace-related Matters**

**SEC. 1631. REORIENTATION OF BIG DATA PLATFORM PROGRAM.**

(a) REORIENTATION OF PROGRAM.—

(1) IN GENERAL.—Not later than January 1, 2021, the Secretary of Defense shall—

(A) reorient the Big Data Platform program as specified in this section; and

(B) align the reorientation effort under an existing line of effort of the Cyber Strategy of the Department of Defense.

(2) OVERSIGHT OF IMPLEMENTATION.—The Secretary shall act through the Principal Cyber Advisor and the supporting Cross Functional Team in the oversight of the implementation of paragraph (1).

(b) COMMON BASELINE AND SECURITY CLASSIFICATION SCHEME.—

(1) IN GENERAL.—Not later than January 1, 2021, the Secretary shall establish a common baseline and security classification scheme for the collection, storage, processing, querying, analysis, and accessibility of a common and comprehensive set of metadata from sensors, applications, appliances, products, and systems deployed across the Department of Defense Information Network (DODIN) to enable the discovery, tracking, and remediation of cybersecurity threats.

(2) REQUIREMENTS.—In carrying out paragraph (1), the Secretary shall—

(A) take such actions as the Secretary considers necessary to standardize deployed infrastructure, including the Department of Defense’s perimeter capabilities at the Internet Access Points and the Joint Regional Security Stacks, and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(B) take such actions as the Secretary considers necessary to standardize deployed cybersecurity applications, products, and sensors and the routing of data laterally and vertically from Department of Defense Information Network segments and tiers, to enable standard and comprehensive metadata collection;

(C) develop an enterprise-wide architecture and strategy for—

(i) where to place sensors or extract data from network information technology, operational technology, and cybersecurity appliances, applications, products, and systems for cybersecurity purposes;

(ii) which metadata data records should be universally sent to Big Data Platform instances and which metadata data records, if any, should be locally retained; and

(iii) expeditiously and efficiently transmitting metadata records to the Big Data Platform instances, including the acquisition and installation of further data bandwidth;

(D) determine the appropriate number, organization, and functions of separate Big Data Platform instances, and whether the Big Data Platform instances that are currently managed by Department of Defense components, including the military services, should instead be jointly and regionally organized;

(E) determine the appropriate roles of the Defense Information Systems Agency’s Acropolis and United States Cyber Command’s Scarif Big Data Platforms as enterprise-wide real-time cybersecurity situational awareness capabilities, as complements or replacements for component-level Big Data Platform instances;

(F) ensure that all Big Data Platform instances are engineered and approved to enable standard access and query capabilities by the Unified Platform, the network defense service providers, and the Cyber Mission Forces, with centrally managed authentication and authorization services;

(G) prohibit barriers to information sharing, distributed query, data analysis, and collaboration across Big Data Platform instances, such as incompatible interfaces, interconnection service agreements, and the imposition of accreditation boundaries;

(H) transition all Big Data Platform instances to a cloud computing environment in alignment with the cloud strategy of the Chief Information Officer of the Department of Defense;

(I) consider whether packet capture databases should continue to be maintained separately from the Big Data Platform instances, managed at the secret level of classification, and treated as malware-infected when the packet data are copies of packets extant in

the Department of Defense Information Network;

(J) in the case that the Secretary decides to sustain the status quo on packet capture databases, ensure that analysts operating on or from the Unified Platform, the Big Data Platform instances, the network defense services providers, and the Cyber Mission Force units can directly access packets and query the database; and

(K) consider whether the Joint Artificial Intelligence Center's cybersecurity artificial intelligence national mission initiative should include an application for the metadata residing in the Big Data Platform instances.

(C) LIMIT ON DATA AND DATA INDEXING SCHEMA.—The Secretary shall ensure that the Unified Platform program utilizes the data and the data indexing schema that is native to the Big Data Platform rather than creating a duplicate index or data tagger.

(d) ANALYTICS AND APPLICATION SOURCING AND COLLABORATION.—The Secretary shall ensure that the Services and office of the Big Data Platform program—

(1) seek advanced analytics and applications from Government and commercial sources that can be executed on the deployed Big Data Platform architecture; and

(2) collaborate with vendors offering commercial analytics and applications, including support to refactoring commercial capabilities to the Government platform where industry can still own the intellectual property embedded in the analytics and applications.

(e) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 180 days thereafter until the activities required by subsection (a)(1) are completed, the Secretary shall provide the congressional defense committees a briefing on the activities of the Secretary in carrying out subsection (b).

#### **SEC. 1632. ZERO-BASED REVIEW OF DEPARTMENT OF DEFENSE CYBER AND INFORMATION TECHNOLOGY PERSONNEL.**

(a) REVIEW REQUIRED.—Not later than January 1, 2021, each head of a covered department, component, or agency shall—

(1) complete a zero-based review of the cyber and information technology personnel of the head's covered department, component, or agency; and

(2) provide the Principal Cyber Advisor, the Chief Information Officer of the Department of Defense, and the Under Secretary of Defense for Personnel and Readiness the findings of the head with respect to the head's covered department, component, or agency.

(b) COVERED DEPARTMENTS, COMPONENTS, AND AGENCIES.—For purposes of this section, a covered department, component, or agency is—

(1) an independent Department of Defense component or agency;

(2) the Office of the Secretary of Defense;

(3) a component of the Joint Staff;

(4) a military department or an armed force; or

(5) a reserve component of the Armed Forces.

(c) SCOPE OF REVIEW.—As part of a review conducted pursuant to subsection (a)(1), the head of a covered department, component, or agency shall, with respect to the covered department, component, or agency of the head—

(1) assess military, civilian, and contractor positions and personnel performing cyber and information technology missions;

(2) determine the roles and functions assigned by reviewing existing position descriptions and conducting interviews to quantify the current workload performed by military, civilian, and contractor workforce;

(3) compare the Department's manning with the manning of comparable industry organizations;

(4) include evaluation of the utility of cyber- and information technology-focused missions, positions, and personnel within such components—

(A) to assess the effectiveness and efficiency of current activities;

(B) to assess the necessity of increasing, reducing, or eliminating resources; and

(C) to guide prioritization of investment and funding;

(5) develop recommendations and objectives for organizational, manning, and equipping change, taking into account anticipated developments in information technologies, workload projections, automation and process enhancements, and Department requirements;

(6) develop a gap analysis, contrasting the current organization and the objectives developed pursuant to paragraph (5); and

(7) develop roadmaps of prioritized activities and a timeline for implementing the activities to close the gaps identified pursuant to paragraph (6).

(d) ELEMENTS.—In carrying out a review pursuant to subsection (a)(1), the head of a covered department, component, or agency shall consider the following:

(1) Whether position descriptions and coding designators for given cybersecurity and information technology roles are accurate indicators of the work being performed.

(2) Whether the function of any cybersecurity or information technology position or personnel can be replaced by acquisition of cybersecurity or information technology products or automation.

(3) Whether a given component or sub-component is over- or under-resourced in terms of personnel, using industry standards as a benchmark where applicable.

(4) Whether cybersecurity service provider positions and personnel fit coherently into the enterprise-wide cybersecurity architecture and with the Department's cyber protection teams.

(5) Whether the function of any cybersecurity or information technology position or personnel could be conducted more efficiently or effectively by enterprise-level cyber or information technology personnel.

(e) FURNISHING DATA AND ANALYSIS.—

(1) DATA AND ANALYSIS.—In carrying out subsection (a)(2), each head of a covered department, component, or agency, shall furnish to the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary a description of the analysis that led to the findings submitted under such subsection and the data used in such analysis.

(2) CERTIFICATION.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary of Defense shall jointly review each submittal under subsection (a)(2) and certify whether the findings and analysis are in compliance with the requirements of this section.

(f) RECOMMENDATIONS.—After receiving findings submitted by a head of a covered department, component, or agency pursuant to paragraph (2) of subsection (a) with respect to a review conducted by the head pursuant to paragraph (1) of such subsection, the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly provide to such head such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have for changes in manning or acquisition that proceed from such review.

(g) IMPLEMENTATION.—The Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly oversee and assist in the implementation of the road-

maps developed pursuant to subsection (c)(7) and the recommendations developed pursuant to subsection (f).

(h) IN-PROGRESS REVIEWS.—Not later than six months after the date of the enactment of this Act and not less frequently than once every six months thereafter until the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary give the briefing required by subsection (i), the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly—

(1) conduct in-progress reviews of the status of the reviews required by subsection (a)(1); and

(2) provide the congressional defense committees with a briefing on such in-progress reviews.

(i) FINAL BRIEFING.—After all of the reviews have been completed under paragraph (1) of subsection (a), after receiving all of the findings pursuant to paragraph (2) of such subsection, and not later than June 1, 2021, the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary shall jointly provide to the congressional defense committees a briefing on the findings of the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary with respect to such reviews, including such recommendations as the Principal Cyber Advisor, the Chief Information Officer, and the Under Secretary may have for changes to the budget of the Department as a result of such reviews.

(j) DEFINITION OF ZERO-BASED REVIEW.—In this section, the term “zero-based review” means a review in which assessment is conducted with each item, position, or person costed anew, rather than in relation to its size or status in any previous budget.

#### **SEC. 1633. STUDY ON IMPROVING CYBER CAREER PATHS IN THE NAVY.**

(a) STUDY REQUIRED.—Not later than October 1, 2020, the Secretary of the Navy and the Chief of Naval Operations shall jointly—

(1) complete a study on methods to improve military and civilian cyber career paths within the Navy; and

(2) submit to the congressional defense committees a report on the findings of the Secretary and Chief with respect to the study completed pursuant to paragraph (1) and submit such report with all of the data used in such study.

(b) ELEMENTS.—The report submitted pursuant to subsection (a)(2) shall include the following:

(1) A plan for implementing career paths for civilian and military personnel tailored to develop expertise in cyber skill sets, including skills sets appropriate for offensive and defensive military cyber operations.

(2) Suggested changes to the processes that govern the identification of talent and career progression of the civilian and military workforce.

(3) A methodology for a cyber workforce assignment policy that deliberately builds depth and breadth of knowledge regarding the conduct of cyber operations throughout an entire career.

(4) Possible enhancements to identifying, recruiting, training, and retaining the cyber workforce, both civilian and military, especially for Interactive On-Net operators and tool developers.

(5) Recommendations for legislative and administrative actions to address the findings and recommendations of the Secretary and the Chief with respect to the study completed pursuant to subsection (a)(1).

(c) CONSULTATION.—In conducting the study required by subsection (a)(1), the Secretary and the Chief shall consult with the following:

(1) The Principal Cyber Advisor of the Department of Defense.

- (2) The Secretary of the Air Force.
- (3) The Air Force Chief of Staff.
- (4) The Secretary of the Army.
- (5) The Army Chief of Staff.
- (6) The Commandant of the Marine Corps.
- (7) The Under Secretary of Defense for Personnel and Readiness.
- (8) The Chief Information Officer of the Department of Defense.
- (9) The Commander of the United States Cyber Command.

**SEC. 1634. FRAMEWORK TO ENHANCE CYBERSECURITY OF THE UNITED STATES DEFENSE INDUSTRIAL BASE.**

(a) **FRAMEWORK REQUIRED.**—Not later than February 1, 2020, the Secretary of Defense shall develop a consistent, comprehensive framework to enhance cybersecurity for the United States defense industrial base.

(b) **ELEMENTS.**—The framework developed pursuant to subsection (a) shall include the following:

(1) Identification of unified cybersecurity standards, regulations, metrics, ratings, third-party certifications, or requirements to be imposed on the defense industrial base for the purpose of assessing the cybersecurity of individual contractors.

(2) The roles and responsibilities of various activities within the Department of Defense, across the entire acquisition process, beginning with market research, including responsibility determination, solicitation, and award, and continuing with contractor management and oversight on matters relating to cybersecurity.

(3) The responsibilities of the prime contractors, and all subcontractors in the supply chain, for implementing the required cybersecurity standards, regulations, metrics, ratings, third-party certifications, and requirements identified under paragraph (1).

(4) A plan to provide implementation guidance, education, manuals, and, as necessary, direct technical support or assistance to such contractors on matters relating to cybersecurity.

(5) Methods and programs for defining and managing controlled unclassified information, and for limiting the presence of unnecessary sensitive information on contractor networks.

(6) Quantitative metrics for assessing the effectiveness of the overall framework over time, with respect to the exfiltration of controlled unclassified information from the defense industrial base.

(c) **MATTERS FOR CONSIDERATION.**—In developing the framework required by subsection (a), the Secretary shall consider the following:

(1) Designating an official to be responsible for the cybersecurity of the defense industrial base.

(2) Evaluating methods, standards, metrics, and third-party certifications for assessing the cybersecurity of individual contractors.

(3) Ensuring a consistent approach across the Department to matters relating to the cybersecurity of the defense industrial base.

(4) Tailoring cybersecurity requirements for small- and medium-sized contractors based on a risk-based approach.

(5) Ensuring the Department's traceability and visibility of cybersecurity compliance of suppliers to all levels of the supply chain.

(6) Evaluating incentives and penalties for cybersecurity performance of suppliers.

(7) Integrating cybersecurity and traditional counterintelligence measures, requirements, and programs.

(8) Establishing a secure software development environment (DevSecOps) in a cloud environment inside the perimeter of the Department for contractors to do their development work.

(9) Establishing a secure cloud environment where contractors could access the data of the Department needed for their contract work.

(10) Establishing a Cybersecurity Maturity Model Certification for defense industrial base companies, scoring companies on a rating scale, and requiring certain ratings for contract awards.

(11) Providing additional assistance to small companies in the form of training, mentoring, approved security product lists, and approved lists of security-as-a-service providers.

(12) Technological means, operational concepts, reference architectures, offensive counterintelligence operation concepts, and plans for operationalization to complicate adversary espionage, including honeypotting and data obfuscation.

(13) Implementing enhanced security vulnerability assessments for contractors working on critical acquisition programs, technologies, manufacturing capabilities, and research areas.

(14) Identifying ways to better leverage technology and employ machine learning or artificial intelligence capabilities, such as Internet Protocol monitoring and data integrity capabilities to be applied to contractor information systems that host, receive, or transmit controlled unclassified information.

(15) Developing tools to easily segregate program data to only allow subcontractors access to their specific information.

(16) Appropriate communications of threat assessments of the defense industrial base to the acquisition workforce at all classification levels.

(17) Appropriate communications with industry on the impact of cybersecurity considerations in contracting and procurement decisions.

(d) **CONSULTATION.**—In developing the framework required by subsection (a), the Secretary shall consult with the following:

(1) Industry groups representing the defense industrial base.

(2) Contractors in the defense industrial base.

(3) The Director of the National Institute of Standards and Technology.

(4) The Secretary of Energy and the Nuclear Regulatory Commission.

(5) The Director of National Intelligence.

(e) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than March 11, 2020, the Secretary of Defense shall provide the congressional defense committees with a briefing on the framework developed pursuant to subsection (a).

(2) **CONTENTS.**—The briefing required by paragraph (1) shall include the following:

(A) An overview of the framework developed in subsection (a).

(B) Identification of such pilot programs as the Secretary considers may be required to improve the cybersecurity of the defense industrial base.

(C) Implementation timelines and identification of costs.

(D) Such recommendations as the Secretary may have for legislative action to improve the cybersecurity of the defense industrial base.

(f) **QUARTERLY BRIEFINGS.**—

(1) **IN GENERAL.**—Not less frequently than once each quarter until February 1, 2022, the Secretary of Defense shall brief the congressional defense committees on the status of development and implementation of the framework required by subsection (a).

(2) **COORDINATION WITH OTHER BRIEFINGS.**—Each briefing under paragraph (1) shall be conducted in conjunction with a quarterly briefing under section 484(a) of title 10, United States Code.

(3) **ELEMENTS.**—Each briefing under paragraph (1) shall include the following:

(A) The current status of the development and implementation of the framework required by subsection (a).

(B) A description of the efforts undertaken by the Secretary to evaluate the matters for consideration set forth in subsection (c).

(C) The current status of any pilot programs the Secretary is carrying out to develop the framework.

**SEC. 1635. ROLE OF CHIEF INFORMATION OFFICER IN IMPROVING ENTERPRISE-WIDE CYBERSECURITY.**

(a) **IN GENERAL.**—In carrying out the responsibilities established in section 142 of title 10, United States Code, the Chief Information Officer of the Department of Defense shall, to the maximum extent practicable, ensure that the cybersecurity programs and capabilities of the Department—

(1) fit into an enterprise-wide cybersecurity architecture;

(2) are maximally interoperable with each other, including those deployed by the components of the Department;

(3) enhance enterprise-level visibility and responsiveness to threats; and

(4) are developed, procured, instituted, and managed in a cost-efficient manner, exploiting economies of scale and enterprise-wide services and discouraging unnecessary customization and piecemeal acquisition.

(b) **REQUIREMENTS.**—In carrying out subsection (a), the Chief Information Officer shall—

(1) manage and modernize the cybersecurity architecture of the Department, including—

(A) ensuring the cybersecurity architecture of the Department maximizes cybersecurity capability, network, and endpoint activity data-sharing across Department components;

(B) ensuring the cybersecurity architecture of the Department supports improved automaticity of cybersecurity detection and response; and

(C) modernizing and configuring the Department's standardized deployed perimeter, network-level, and endpoint capabilities to improve interoperability, meet pressing capability needs, and negate common adversary tactics, techniques, and procedures;

(2) establish mechanisms to enable and mandate, as necessary, cybersecurity capability, and network and endpoint activity data-sharing across Department components;

(3) make mission data, through data tagging, automatic transmission, and other means, accessible and discoverable by Department components other than owners of those mission data;

(4) incorporate emerging cybersecurity technologies from the Defense Advanced Research Projects Agency, the Strategic Capabilities Office, the Defense Innovation Unit, the laboratories of the military departments, and the commercial sector into the cybersecurity architecture of the Department; and

(5) ensure that the Department possesses the necessary computing infrastructure, through technology refresh, installation or acquisition of bandwidth, and the use of cloud computing power, to host and enable necessary cybersecurity capabilities.

**SEC. 1636. QUARTERLY ASSESSMENTS OF THE READINESS OF CYBER FORCES.**

(a) **IN GENERAL.**—Section 484(b) of title 10, United States Code, is amended—

(1) by redesignating paragraph (4) as paragraph (5); and

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) An assessment of the readiness of the Cyber Mission Forces that—

“(A) addresses all of the abilities of the Department to conduct cyberspace operations

based on capability and capacity of personnel, equipment, training, and equipment condition—

“(i) using both quantitative and qualitative metrics; and

“(ii) in a way that is common to all military departments; and

“(B) is consistent with readiness reporting pursuant to section 482 of this title.”.

(b) METRICS.—

(1) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish metrics for the assessment of the readiness of the Cyber Mission Forces of the Department of Defense.

(2) BRIEFING REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary will provide a briefing to the congressional defense committees on the metrics established pursuant to paragraph (1).

(c) MODIFICATION OF READINESS REPORTING SYSTEM.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall take such actions as the Secretary considers appropriate to ensure that the comprehensive readiness reporting system established pursuant to section 117(a) of title 10, United States Code, covers matters relating to the readiness of the Cyber Mission Forces—

(1) using the metrics established pursuant to subsection (b)(1); and

(2) in a manner that is consistent with sections 117 and 482 of such title.

(d) FIRST QUARTERLY BRIEFING ASSESSING CYBER READINESS.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

#### SEC. 1637. CONTROL AND ANALYSIS OF DEPARTMENT OF DEFENSE DATA STOLEN THROUGH CYBERSPACE.

(a) REQUIREMENTS.—When the Secretary of Defense determines that significant Department of Defense information may have been stolen through cyberspace and evidence of theft of the data in question—

(1) is in the possession of a component of the Department, the Secretary shall—

(A) either transfer or replicate and transfer such Department data in a prompt and secure manner to a secure repository with access by Department personnel appropriately limited on a need-to-know basis;

(B) ensure the Department applies such automated analytic tools and capabilities to the repository of potentially compromised data as are necessary to rapidly understand the scope and effect of the potential compromise;

(C) for high priority Department systems, develop analytic products that characterize the scope of data compromised;

(D) ensure that all mission-affected entities in the Department are made aware of the theft or possible theft and, as damage assessment and mitigation proceeds, are kept apprised of the extent of the data stolen; and

(E) ensure that the Department counterintelligence organizations are—

(i) fully integrated with any damage assessment team assigned to the breach;

(ii) fully informed of the data that have or potentially have been stolen and the effect of such theft; and

(iii) provided resources and tasked, in conjunction with subject matter experts and responsible authorities, to immediately develop and execute countermeasures in response to a breach involving espionage and data theft; or

(2) is in the possession of or under controls or restrictions imposed by the Federal Bureau of Investigation, or a national counterintelligence or intelligence organization, the Secretary shall determine, jointly with the Director of the Federal Bureau of Investiga-

tion or the Director of National Intelligence, as appropriate, the most expeditious process, means, and conditions for carrying out the activities otherwise required by paragraph (1).

(b) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees such recommendations as the Secretary may have for legislative or administrative action to address such barriers as may be inhibiting the implementation of this section.

#### SEC. 1638. ACCREDITATION STANDARDS AND PROCESSES FOR CYBERSECURITY AND INFORMATION TECHNOLOGY PRODUCTS AND SERVICES.

(a) ASSESSMENT.—The Chief Information Officer of the Department of Defense shall conduct an enterprise assessment of accreditation of standards and processes for cybersecurity and information technology products and services.

(b) REPORT.—

(1) IN GENERAL.—Not later than April 1, 2020, the Chief Information Officer shall submit to the congressional defense committees a report on the assessment conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall include the following:

(A) The findings of the Chief Information Officer with respect to the assessment conducted under subsection (a).

(B) A description of the modifications proposed or enacted to accreditation standards and processes arising out of the assessment.

(C) A description of how the Department will increasingly automate accreditation processes, pursue agile development, incorporate machine learning, and foster reciprocity across authorizing officials.

#### SEC. 1639. EXTENSION OF AUTHORITIES FOR CYBERSPACE SOLARIUM COMMISSION.

Section 1652(k) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) in paragraph (1), by striking “September 1, 2019” and inserting “February 1, 2020”; and

(2) in paragraph (2), by striking “and intelligence committees” and inserting “committees, the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives”.

#### SEC. 1640. MODIFICATION OF ELEMENTS OF ASSESSMENT REQUIRED FOR TERMINATION OF DUAL-HAT ARRANGEMENT FOR COMMANDER OF THE UNITED STATES CYBER COMMAND.

Section 1642(b)(2)(C) of the National Defense Authorization Act for Fiscal Year 2017 (130 Stat. 2601; Public Law 114-328) is amended—

(1) in clause (ii), by inserting “and national intelligence operations” after “operations”;

(2) by amending clause (iii) to read as follows:

“(iii) The tools, weapons, and accesses used in and available for military cyber operations are sufficient for achieving required effects and United States Cyber Command is capable of acquiring or developing these tools, weapons, and accesses.”; and

(3) by amending clause (vi) to read as follows:

“(vi) The cyber mission force has achieved full operational capability and has demonstrated the capacity to execute the cyber missions of the Department, including—

“(I) execution of national-level missions through cyberspace, including deterrence and disruption of adversary cyber activity;

“(II) defense of the Department of Defense Information Network; and

“(III) support for other combatant commands, including targeting of adversary military assets.”.

#### SEC. 1641. USE OF NATIONAL SECURITY AGENCY CYBERSECURITY EXPERTISE TO SUPPORT ACQUISITION OF COMMERCIAL CYBERSECURITY PRODUCTS.

(a) ADVISORY MISSION.—The National Security Agency shall, as a mission in its role in securing the information systems of the Department of Defense, advise and assist the Department of Defense in its acquisition and adaptation of cybersecurity products and services from industry, especially the commercial cybersecurity sector.

(b) PROGRAM TO IMPROVE ACQUISITION OF CYBERSECURITY PRODUCTS AND SERVICES.—

(1) ESTABLISHMENT.—Consistent with paragraph (1), the Director of the National Security Agency shall establish a permanent program consisting of market research, testing, and expertise transmission, or augments to existing programs, to improve the acquisition by the Department of cybersecurity products and services.

(2) REQUIREMENTS.—Under the program established pursuant to paragraph (1), the Director shall, independently and at the request of components of the Department—

(A) test and evaluate commercially-available cybersecurity products and services using—

(i) generally known cyber operations techniques; and

(ii) tools and cyber operations techniques and advanced tools and techniques available to the National Security Agency;

(B) develop and establish standard procedures, techniques, and threat-informed metrics to perform the testing and evaluation required by subparagraph (A); and

(C) advise the Secretary of Defense on the merits and disadvantages of evaluated cybersecurity products, including with respect to—

(i) any synergies between products;

(ii) value;

(iii) matters relating to operation and maintenance; and

(iv) matters relating to customization requirements.

(3) LIMITATIONS.—The program established under paragraph (1) shall not—

(A) be used to accredit cybersecurity products and services for use by the Department;

(B) create approved products lists; or

(C) be used for acquisition contracts for the procurement and fielding of cybersecurity products on behalf of the Department.

#### SEC. 1642. STUDY ON FUTURE CYBER WARFIGHTING CAPABILITIES OF DEPARTMENT OF DEFENSE.

(a) STUDY REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall direct the Defense Science Board to carry out a study on the future cyber warfighting capabilities of the Department of Defense.

(b) PARTICIPATION.—Participants in the study shall include the following:

(1) Such members of the Board, including members of the Task Force on Cyber Deterrence of the Board, as the Chairman of the Board considers appropriate for the study.

(2) Such additional temporary members or contracted support as the Secretary—

(A) selects from those recommended by the Chairman for purposes of the study; and

(B) considers to have significant technical, policy, or military expertise.

(c) ELEMENTS.—The study conducted pursuant to subsection (a) shall include the following:

(1) A technical evaluation of the Joint Cyber Warfighting Architecture of the Department, especially the Unified Platform, Joint Cyber Command and Control, and Persistent Cyber Training Environment, including with respect to the following:



(A) The suitability of the requirements and, as relevant, the delivered capability of such architecture to modern cyber warfighting.

(B) Such requirements or capabilities as may be absent or underemphasized in such architecture.

(C) The speed of development and acquisition as compared to mission need.

(D) Identification of potential duplication of efforts among the programs and concepts evaluated.

(E) The coherence of such architecture with the National Mission Teams and Combat Mission Teams of the Cyber Mission Force, as constituted and organized on the day before the date of the enactment of this Act.

(F) The coherence of such architecture with the Cyber Protection Teams of the Cyber Mission Force and the cybersecurity service providers of the Department, as constituted and organized on the day before the date of the enactment of this Act.

(G) The coherence of such architecture with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy deterrence, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(2) A technical evaluation of the tool development and acquisition programs of the Department, including with respect to the following:

(A) The suitability of planned tool suite and cyber armory constructs of the United States Cyber Command to modern cyber warfighting.

(B) The speed of development and acquisition as compared to mission need.

(C) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to the tool development of the National Security Agency.

(D) The resourcing and effectiveness of the internal tool development of the United States Cyber Command as compared to its acquisition.

(E) The coherence of such programs with the concepts of persistent engagement and defending forward as incorporated in the 2018 Department of Defense Cyber Strategy, including with respect to operational concepts such as consistent spy-on-spy deterrence, securing adversary operating pictures, and preemptively feeding indicators and warning to defensive operators.

(3) An evaluation of the operational planning and targeting of the United States Cyber Command, including support for regional combatant commands, and suitability for modern cyber warfighting.

(4) Development of such recommendations as the Board may have for legislative or administrative action relating to the future cyber warfighting capabilities of the Department.

(d) ACCESS TO INFORMATION.—The Secretary shall provide the Board with timely access to appropriate information, data, resources, and analysis so that the Board may conduct a thorough and independent analysis as required under this section.

(e) REPORT.—

(1) TRANSMITTAL TO SECRETARY.—Not later than November 1, 2021, the Board shall transmit to the Secretary a final report on the study conducted pursuant to subsection (a).

(2) TRANSMITTAL TO CONGRESS.—Not later than 30 days after the date on which the Secretary receives the final report under paragraph (1), the Secretary shall submit to the congressional defense committees such re-

port and such comments as the Secretary considers appropriate.

**SEC. 1643. AUTHORITY TO USE OPERATION AND MAINTENANCE FUNDS FOR CYBER OPERATIONS-PECULIAR CAPABILITY DEVELOPMENT PROJECTS.**

(a) IN GENERAL.—Subchapter I of chapter 134 of title 10, United States Code, is amended by inserting after section 2243 the following new section:

**“§2243a. Authority to use operation and maintenance funds for cyber operations-peculiar capability development projects**

“(a) IN GENERAL.—Subject to subsection (c), the covered officials may each use amounts authorized to be appropriated or otherwise made available for the Department of Defense for operation and maintenance, to carry out cyber operations-peculiar capability development projects.

“(b) COVERED OFFICIALS.—For purposes of this section, the covered officials are as follows:

“(1) The Secretary of the Army.

“(2) The Secretary of the Navy.

“(3) The Secretary of the Air Force.

“(4) The Commandant of the Marine Corps.

“(c) LIMITATION.—In a fiscal year, the aggregate amount that may be used by a single covered official under subsection (a) may not exceed \$3,000,000.

“(d) RELATIONSHIP TO OTHER LAWS.—The authority in subsection (a) may be used without regard to any provision of law establishing a limit on the unit cost of an investment item that may be purchased with funds made available for operation and maintenance.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2243 the following new item:

“2243a. Authority to use operation and maintenance funds for cyber operations-peculiar capability development projects.”.

(c) REPORTS.—

(1) IN GENERAL.—In each of fiscal years 2021, 2022, and 2023, the Secretary of Defense shall submit to the congressional defense committees a report on the use of the authority provided under section 2243a(a) of title 10, United States Code, as added by subsection (a), during the previous fiscal year.

(2) TIMING.—Each report submitted pursuant to paragraph (1) shall be submitted concurrently with the annual budget request of the President submitted pursuant to section 1105 of title 31, United States Code.

**SEC. 1644. EXPANSION OF AUTHORITY FOR ACCESS AND INFORMATION RELATING TO CYBERATTACKS ON DEPARTMENT OF DEFENSE OPERATIONALLY CRITICAL CONTRACTORS.**

Section 391(c) of title 10, United States Code, is amended—

(1) in paragraph (3)—

(A) by amending subparagraph (A) to read as follows:

“(A) include mechanisms for Department personnel—

“(i) if requested by an operationally critical contractor, to assist the contractor in detecting and mitigating penetrations; or

“(ii) at the request of the Department, to obtain access to equipment or information of an operationally critical contractor necessary to conduct a forensic analysis, in addition to any analysis conducted by the contractor; and”;

(B) in subparagraph (B)—

(i) by striking “to determine whether information” and inserting the following: “to determine whether—

“(i) information”;

(ii) in clause (i), as so designated—

(I) by inserting “or compromised on” after “exfiltrated from”; and

(II) by striking the period at the end and inserting “or compromised; or”;

(iii) by adding at the end the following new clause:

“(ii) the ability of the contractor to provide operationally critical support has been affected and, if so, how and to what extent it has been affected.”;

(2) in paragraph (4), by inserting “, so as to minimize delays in or any curtailing of the Department’s cyber response and defensive actions” after “specific person”; and

(3) in paragraph (5)(C), by inserting “ or counterintelligence activities” after “investigations”.

**SEC. 1645. BRIEFING ON MEMORANDUM OF UNDERSTANDING RELATING TO JOINT OPERATIONAL PLANNING AND CONTROL OF CYBER ATTACKS OF NATIONAL SCALE.**

(a) BRIEFING REQUIRED.—Not later than March 1, 2020, the Secretary of Defense shall provide the appropriate committees of Congress a briefing on the Joint Department of Defense and Department of Homeland Security Memorandum of Understanding signed by the Secretary of Defense on October 6, 2018.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) The number of planners assigned by the Department of Defense to line of effort three and line of effort four and the areas of expertise of those planners.

(2) Whether the planners described in paragraph (1) are physically co-located with their counterparts in the Department of Homeland Security and are assigned full-time or part-time to line of effort three and line of effort four.

(3) Whether the planners described in paragraph (1) are developing operational plans and playbooks that will be implemented in response to actual cyber attacks of national scale or whether the planning activities are limited to planning and exercise scenarios.

(4) Whether the official in charge of the planners assigned to line of effort three and line of effort four has or will have operational control of a Federal response to a cyber attack of national scale.

(5) Whether the National Cyber Strategy, published in September 2018, provides for a standing joint multi-agency organization and staff to plan and direct operational responses to cyber attacks of national scale.

(6) The charter and implementation plan of the Joint Department of Defense and Department of Homeland Security Cyber Protection and Defense Steering Group required by the memorandum of understanding described in subsection (a).

(c) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional defense committees;

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

(3) the Committee on Homeland Security of the House of Representatives.

**SEC. 1646. STUDY TO DETERMINE THE OPTIMAL STRATEGY FOR STRUCTURING AND MANNING ELEMENTS OF THE JOINT FORCE HEADQUARTERS-CYBER ORGANIZATIONS, JOINT MISSION OPERATIONS CENTERS, AND CYBER OPERATIONS-INTEGRATED PLANNING ELEMENTS.**

(a) STUDY.—

(1) IN GENERAL.—The Principal Cyber Advisor of the Department of Defense shall conduct a study to determine the optimal strategy for structuring and manning elements of the following:

(A) Joint Force Headquarters-Cyber organizations.

(B) Joint Mission Operations Centers.

(C) Cyber Operations—Integrated Planning Elements.

(2) ELEMENTS.—The study conducted under subsection (a) shall include assessment of the following:

(A) Operational effects on the military services if the entities listed in subparagraphs (A) through (C) of paragraph (1) are restructured from organizations that are service component organizations to joint organizations.

(B) Organizational effects on the military services if the billets associated with the entities listed in subparagraphs (A) through (C) of paragraph (1) are transferred to United States Cyber Command and designated as joint billets for joint qualification purposes.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Principal Cyber Advisor shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the study conducted under subsection (a).

(2) CONTENTS.—The report submitted under paragraph (1) shall contain the following:

(A) The findings of the Principal Cyber Advisor with respect to the study conducted under subsection (a).

(B) Details of the operational and organizational effects assessed under subsection (a)(2).

(C) A plan to carry out the transfer described in subsection (a)(2)(B) and the associated costs.

(D) Such other matters as the Principal Cyber Advisor considers appropriate.

**SEC. 1647. CYBER GOVERNANCE STRUCTURES AND PRINCIPAL CYBER ADVISORS ON MILITARY CYBER FORCE MATTERS.**

(a) DESIGNATION.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, each Secretary of a military department shall designate a Principal Cyber Advisor to act as the principal advisor to the Secretary of the military department on the cyber forces, cyber programs, and cybersecurity matters of the military department, including matters relating to weapons systems, enabling infrastructure, and the defense industrial base.

(2) NATURE OF POSITION.—Each Principal Cyber Advisor position under paragraph (1) shall be a senior civilian leadership position.

(b) RESPONSIBILITIES PRINCIPAL CYBER ADVISORS.—Each Principal Cyber Advisor of a military department shall be responsible for advising the Secretary of the military department and coordinating and overseeing the implementation of policy, strategies, sustainment, and plans on the following:

(1) The resourcing and training of the military cyber forces of the military department and ensuring that such resourcing and training meets the needs of United States Cyber Command.

(2) Acquisition of offensive and defensive cyber capabilities for the military cyber forces of the military department.

(3) Cybersecurity management and operations of the military department.

(4) Acquisition of cybersecurity tools and capabilities for the cybersecurity service providers of the military department.

(5) Improving and enforcing a culture of cybersecurity warfighting and responsibility throughout the military department.

(c) ADMINISTRATIVE MATTERS.—

(1) DESIGNATION OF INDIVIDUALS.—In designating a Principal Cyber Advisor under subsection (a), the Secretary of a military department may designate an individual in an existing position in the military department.

(2) COORDINATION.—The Principal Cyber Advisor of a military department shall work

in close coordination with the Principal Cyber Advisor of the Department of Defense, the Chief Information Officer of the Department, relevant military service chief information officers, and other relevant military service officers to ensure service compliance with the Department of Defense Cyber Strategy.

(d) RESPONSIBILITY TO THE SENIOR ACQUISITION EXECUTIVES.—In addition to the responsibilities set forth in subsection (b), the Principal Cyber Advisor of a military department shall be responsible for advising the senior acquisition executive of the military department and, as determined by the Secretary of the military department, for advising and coordinating and overseeing the implementation of policy, strategies, sustainment, and plans for—

(1) cybersecurity of the industrial base; and

(2) cybersecurity of Department of Defense information systems and information technology services, including how cybersecurity threat information is incorporated and the development of cyber practices, cyber testing, and mitigation of cybersecurity risks.

(e) REVIEW OF CURRENT RESPONSIBILITIES.—

(1) IN GENERAL.—Not later than January 1, 2021, each Secretary of a military department shall review the military department's current governance model for cybersecurity with respect to current authorities and responsibilities.

(2) ELEMENTS.—Each review under paragraph (1) shall include the following:

(A) An assessment of whether additional changes beyond the designation of a Principal Cyber Advisor pursuant to subsection (a) are required.

(B) Consideration of whether the current governance structure and assignment of authorities—

(i) enable effective top-down governance;

(ii) enable effective Chief Information Officer and Chief Information Security Officer action;

(iii) are adequately consolidated so that the authority and responsibility for cybersecurity risk management is clear and at an appropriate level of seniority;

(iv) provides authority to a single individual to certify compliance of Department information systems and information technology services with all current cybersecurity standards; and

(v) support efficient coordination across the military departments and services, the Office of the Secretary of Defense, the Defense Information Systems Agency, and United States Cyber Command.

(f) BRIEFING.—Not later than February 1, 2021, each Secretary of a military department shall brief the congressional defense committees on the findings of the Secretary with respect to the review conducted by the Secretary under subsection (e).

**SEC. 1648. DESIGNATION OF TEST NETWORKS FOR TESTING AND ACCREDITATION OF CYBERSECURITY PRODUCTS AND SERVICES.**

(a) DESIGNATION.—Not later than April 1, 2020, the Secretary of Defense shall designate, for use by the Defense Information Systems Agency and such other components of the Department of Defense as the Secretary considers appropriate, three test networks for the testing and accreditation of cybersecurity products and services.

(b) REQUIREMENTS.—The networks designated under subsection (a) shall—

(1) be of sufficient scale to realistically test cybersecurity products and services;

(2) feature substantially different architectures and configurations;

(3) be live, operational networks; and

(4) feature cybersecurity processes, tools, and technologies that are appropriate for

test purposes and representative of the processes, tools, and technologies that are widely used throughout the Department.

**SEC. 1649. CONSORTIA OF UNIVERSITIES TO ADVISE SECRETARY OF DEFENSE ON CYBERSECURITY MATTERS.**

(a) ESTABLISHMENT.—The Secretary of Defense shall establish one or more consortia to advise and assist the Secretary on matters relating to cybersecurity.

(b) MEMBERSHIP.—The consortium or consortia established under subsection (a) shall consist of universities that have been designated as centers of academic excellence by the Director of the National Security Agency or the Secretary of Homeland Security.

(c) ORGANIZATION.—

(1) DESIGNATION OF ADMINISTRATIVE CHAIR AND TERMS.—For each consortium established under subsection (a), the Secretary, based on recommendations from the members of the consortium, shall designate one member of the consortium to function as an administrative chair of the consortium for a term with a specific duration specified by the Secretary.

(2) SUBSEQUENT TERMS.—No member of a consortium designated under paragraph (1) may serve as the administrative chair of that consortium for two consecutive terms.

(3) DUTIES OF ADMINISTRATIVE CHAIR.—Each administrative chair designated under paragraph (1) for a consortium shall—

(A) act as the leader of the consortium for the term specified by the Secretary under paragraph (1);

(B) be the liaison between the consortium and the Secretary;

(C) distribute requests from the Secretary for advice and assistance to appropriate members of the consortium and coordinate responses back to the Secretary; and

(D) act as a clearinghouse for Department of Defense requests relating to advice and assistance on matters relating to cybersecurity and to provide feedback to the Secretary from members of the consortium.

(d) FUNCTIONS.—The functions of a consortium established under subsection (a) are as follows:

(1) To provide to the Secretary access to the expertise of the members of the consortium on matters relating to cybersecurity.

(2) To align the efforts of such members in support of the Department.

(3) To act as a facilitator in responding to Department requests relating to advice and assistance on matters relating to cybersecurity and to provide feedback to the Secretary from members of the consortium.

(e) PROCEDURES.—The Secretary shall establish procedures for organizations within the Department to access the work product produced by and the research, capabilities, and expertise of a consortium established under subsection (a) and the universities that constitute the consortium.

**Subtitle D—Nuclear Forces**

**SEC. 1661. MODIFICATION OF AUTHORITIES RELATING TO NUCLEAR COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.**

(a) DUTIES AND POWERS OF UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT.—Section 133b(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (4), (5), (6), and (7) as paragraphs (5), (6), (7), and (8), respectively;

(2) by inserting after paragraph (3) the following new paragraph (4):

“(4) establishing policies for, and providing oversight, guidance, and coordination with respect to, the nuclear command, control, and communications system;”;

(3) in paragraph (6), as redesignated by paragraph (1), by inserting after “overseeing

the modernization of nuclear forces” the following: “, including the nuclear command, control, and communications system.”.

(b) DUTIES AND RESPONSIBILITIES OF CHIEF INFORMATION OFFICER.—Section 142(b)(1) of such title is amended—

- (1) by striking subparagraph (G); and
- (2) by redesignating subparagraphs (H) and (I) as subparagraphs (G) and (H), respectively.

**SEC. 1662. EXPANSION OF OFFICIALS REQUIRED TO CONDUCT BIENNIAL ASSESSMENTS OF DELIVERY PLATFORMS FOR NUCLEAR WEAPONS AND NUCLEAR COMMAND AND CONTROL SYSTEM.**

Section 492(d) of title 10, United States Code, is amended—

- (1) in paragraph (2), by striking “; and” and inserting a semicolon;
- (2) in paragraph (3), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following: “(4) the Commander of the United States Air Forces in Europe.”.

**SEC. 1663. CONFORMING AMENDMENT TO COUNCIL ON OVERSIGHT OF THE NATIONAL LEADERSHIP COMMAND, CONTROL, AND COMMUNICATIONS SYSTEM.**

Section 171a of title 10, United States Code, is amended by striking “, Technology, and Logistics” each place it appears and inserting “and Sustainment”.

**SEC. 1664. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.**

(a) PROHIBITION.—Except as provided by subsection (b), none of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for the Department of Defense shall be obligated or expended for—

(1) reducing, or preparing to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States; or

(2) reducing, or preparing to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.

(b) EXCEPTION.—The prohibition in subsection (a) shall not apply to any of the following activities:

- (1) The maintenance or sustainment of intercontinental ballistic missiles.
- (2) Ensuring the safety, security, or reliability of intercontinental ballistic missiles.

**SEC. 1665. BRIEFING ON LONG-RANGE STANDOFF WEAPON AND SEA-LAUNCHED CRUISE MISSILE.**

Not later than 90 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment, in consultation with the Administrator for Nuclear Security, shall provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on opportunities—

(1) to increase commonality between the long-range standoff weapon and the sea-launched cruise missile; and

(2) to leverage, in the development of the sea-launched cruise missile, technologies developed, or under development as of the date of the briefing, as part of the long-range standoff weapon program.

**SEC. 1666. SENSE OF THE SENATE ON INDUSTRIAL BASE FOR GROUND-BASED STRATEGIC DETERRENT PROGRAM.**

It is the sense of the Senate that—

(1) ensuring the viability of an industrial base of at least two domestic producers of large solid rocket motors for the ground-based strategic deterrent program is an important national security interest; and

(2) in continuing to carry out that program, the Secretary of Defense should—

(A) strive to maintain competition and proper vendor capabilities in order to maintain the best value for the Government;

(B) consider the long-term health and viability of the industrial base when structuring and awarding major procurement or development contracts; and

(C) when appropriate, structure programs to provide stability to the industrial base by maintaining continued production for an extended period.

**SEC. 1667. SENSE OF THE SENATE ON NUCLEAR DETERRENCE COMMITMENTS OF THE UNITED STATES.**

It is the sense of the Senate that—

(1) credible extended deterrence commitments make key contributions to the security of the United States, international stability, and the nonproliferation objectives of the United States;

(2) the nuclear forces of the United States, as well as the independent nuclear forces of other members of the North Atlantic Treaty Organization (in this section referred to as “NATO”), continue to play a critical role in national security strategy of the United States and the security of the NATO alliance;

(3) the forward-deployment of dual-capable aircraft operated by the United States, and the participation of certain NATO members in the nuclear deterrence mission, are vitally important to the deterrence and defense posture of NATO;

(4) such aircraft provide a credible and flexible nuclear capability that plays a fundamental role in regional deterrence and effectively assuring allies and partners of the commitment of the United States to their security; and

(5) nuclear-certified F-35A aircraft provide the most advanced nuclear fighter capability in the current and future anti-access area denial environments.

**Subtitle E—Missile Defense Programs**

**SEC. 1671. IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM AND ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM CO-DEVELOPMENT AND CO-PRODUCTION.**

(a) IRON DOME SHORT-RANGE ROCKET DEFENSE SYSTEM.—

(1) AVAILABILITY OF FUNDS.—Of the funds authorized to be appropriated by this Act or otherwise made available for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency, not more than \$95,000,000 may be provided to the Government of Israel to procure components for the Iron Dome short-range rocket defense system through co-production of such components in the United States by industry of the United States.

(2) CONDITIONS.—

(A) AGREEMENT.—Funds described in paragraph (1) for the Iron Dome short-range rocket defense program shall be available subject to the terms and conditions in the Agreement Between the Department of Defense of the United States of America and the Ministry of Defense of the State of Israel Concerning Iron Dome Defense System Procurement, signed on March 5, 2014, as amended to include co-production for Tamir interceptors.

(B) CERTIFICATION.—Not later than 30 days prior to the initial obligation of funds described in paragraph (1), the Director of the Missile Defense Agency and the Under Secretary of Defense for Acquisition and Sustainment shall jointly submit to the appropriate congressional committees—

(i) a certification that the amended bilateral international agreement specified in subparagraph (A) is being implemented as provided in such agreement; and

(ii) an assessment detailing any risks relating to the implementation of such agreement.

(b) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, DAVID’S SLING WEAPON SYSTEM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (3), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than \$50,000,000 may be provided to the Government of Israel to procure the David’s Sling Weapon System, including for co-production of parts and components in the United States by United States industry.

(2) AGREEMENT.—(A) Provision of funds specified in paragraph (1) shall be subject to the terms and conditions in the bilateral co-production agreement, including—

(i) a one-for-one cash match is made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel); and

(ii) co-production of parts, components, and all-up rounds (if appropriate) in the United States by United States industry for the David’s Sling Weapon System is not less than 50 percent.

(3) CERTIFICATION AND ASSESSMENT.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees—

(A) a certification that the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement and the bilateral co-production agreement for the David’s Sling Weapon System; and

(B) an assessment detailing any risks relating to the implementation of such agreement.

(c) ISRAELI COOPERATIVE MISSILE DEFENSE PROGRAM, ARROW 3 UPPER TIER INTERCEPTOR PROGRAM CO-PRODUCTION.—

(1) IN GENERAL.—Subject to paragraph (2), of the funds authorized to be appropriated for fiscal year 2020 for procurement, Defense-wide, and available for the Missile Defense Agency not more than \$55,000,000 may be provided to the Government of Israel for the Arrow 3 Upper Tier Interceptor Program, including for co-production of parts and components in the United States by United States industry.

(2) CERTIFICATION.—The Under Secretary of Defense for Acquisition and Sustainment shall submit to the appropriate congressional committees a certification that—

(A) the Government of Israel has demonstrated the successful completion of the knowledge points, technical milestones, and production readiness reviews required by the research, development, and technology agreement for the Arrow 3 Upper Tier Interceptor Program;

(B) funds specified in paragraph (1) will be provided on the basis of a one-for-one cash match made by Israel or in another matching amount that otherwise meets best efforts (as mutually agreed to by the United States and Israel);

(C) the United States has entered into a bilateral international agreement with Israel that establishes, with respect to the use of such funds—

(i) in accordance with subparagraph (D), the terms of co-production of parts and components on the basis of the greatest practicable co-production of parts, components, and all-up rounds (if appropriate) by United States industry and minimizes nonrecurring engineering and facilitization expenses to the costs needed for co-production;

(ii) complete transparency on the requirement of Israel for the number of interceptors

and batteries that will be procured, including with respect to the procurement plans, acquisition strategy, and funding profiles of Israel;

(iii) technical milestones for co-production of parts and components and procurement;

(iv) a joint affordability working group to consider cost reduction initiatives; and

(v) joint approval processes for third-party sales; and

(D) the level of co-production described in subparagraph (C)(i) for the Arrow 3 Upper Tier Interceptor Program is not less than 50 percent.

(d) NUMBER.—In carrying out paragraph (2) of subsection (b) and paragraph (2) of subsection (c), the Under Secretary may submit—

(1) one certification covering both the David's Sling Weapon System and the Arrow 3 Upper Tier Interceptor Program; or

(2) separate certifications for each respective system.

(e) TIMING.—The Under Secretary shall submit to the congressional defense committees the certification and assessment under subsection (b)(3) and the certification under subsection (c)(2) by not later than 30 days before the funds specified in paragraph (1) of subsections (b) and (c) for the respective system covered by the certification are provided to the Government of Israel.

(f) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional defense committees.

(2) The Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

#### **SEC. 1672. EXPANSION OF NATIONAL MISSILE DEFENSE POLICY AND PROGRAM REDESIGNATION.**

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) the United States must continue to pursue a comprehensive missile defense strategy that will deliver integrated and effective capabilities to counter ballistic, cruise, and hypersonic missile threats;

(2) adversaries are quickly expanding the capabilities of their existing missile systems, adding new and unprecedented types of missile capabilities to their arsenals, and further integrating offensive missiles into their coercive threats, military exercises, and war planning;

(3) both Russia and China are rapidly enhancing their existing offensive missile systems and developing advanced sea-, ground-, and air-launched cruise missiles as well as hypersonic capabilities;

(4) due to the proliferation of offensive ballistic and cruise missiles and the emergence of game-changing hypersonic weapons technologies, all of which threaten regional balances, our allies and partners, United States deployed armed forces, and the United States homeland, missile defenses become an even more critical element of United States strategy; and

(5) the United States must outpace adversary offensive missile capabilities.

(b) EXPANSION OF POLICY.—Section 1681(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 2431 note) is amended by striking “ballistic missile threat” and inserting “ballistic, cruise, and hypersonic missile threats”.

(c) REDESIGNATION REQUIREMENT.—Not later than the date on which the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2021, the Secretary of Defense shall, as the Secretary considers appropriate, redesignate all strategies, policies, programs, and

systems under the jurisdiction of the Secretary to reflect that missile defense programs of the United States defend against ballistic, cruise, and hypersonic missiles in all phases of flight.

#### **SEC. 1673. ACCELERATION OF THE DEPLOYMENT OF PERSISTENT SPACE-BASED SENSOR ARCHITECTURE.**

(a) SENSE OF THE SENATE.—It is the Sense of the Senate that—

(1) Congress has expressed support for a space-based missile defense sensor program, in the two most recent enacted National Defense Authorization Acts;

(2) the Secretary of Defense should rapidly develop and deploy a persistent, space-based sensor architecture to ensure missile defenses of the United States are more effective against ballistic missile threats and more responsive to emergent threats from hypersonic and cruise missiles;

(3) the responsibility for developing and deploying a hypersonic and ballistic tracking space sensor should remain within the Director of the Missile Defense Agency; and

(4) the Director of the Missile Defense Agency should deploy a hypersonic and ballistic tracking space sensor constellation as soon as technically feasible.

(b) ASSIGNMENT OF PRIMARY RESPONSIBILITY FOR DEVELOPMENT AND DEPLOYMENT OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall—

(1) assign the Director of the Missile Defense Agency with the principal responsibility for the development and deployment of a hypersonic and ballistic tracking space sensor; and

(2) submit to the congressional defense committees certification of such assignment.

(c) CERTIFICATION REGARDING FUNDING OF HYPERSONIC AND BALLISTIC TRACKING SPACE SENSOR PROGRAM.—At the same time that the President submits to Congress pursuant to section 1105 of title 31, United States Code, the annual budget request of the President for fiscal year 2021, the Under Secretary of Defense Comptroller and the Director for Cost Assessment and Program Evaluation shall jointly certify to the congressional defense committees whether the hypersonic and ballistic tracking space sensor program is sufficiently funded in the future-years defense program for the Missile Defense Agency.

(d) DEPLOYMENT DEADLINE.—Section 1683(a) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 10 U.S.C. 2431 note) is amended—

(1) by striking “(A) IN GENERAL.—” and inserting the following:

“(a) DEVELOPMENT, TESTING, AND DEPLOYMENT.—

“(1) DEVELOPMENT.—”; and

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

“(2) TESTING AND DEPLOYMENT.—The Director shall begin on-orbit testing of a hypersonic and ballistic tracking space sensor no later than December 31, 2021, with full operational deployment as soon as technically feasible thereafter.

“(3) WAIVER.—The Secretary of Defense may waive the deadline for testing specified in paragraph (2) if the Secretary submits to the congressional defense committees a report containing—

“(A) the explanation why the Secretary cannot meet such deadline;

“(B) the technical risks and estimated cost of accelerating the program to attempt to meet such deadline;

“(C) an assessment of threat systems that could not be detected or tracked persistently due to waiving such deadline; and

“(D) a plan, including a timeline, for beginning the required testing.”.

(e) REPORT ON PROGRESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the progress of all efforts being made by the Missile Defense Agency, the Defense Advanced Research Projects Agency, the Air Force, and the Space Development Agency relating to space-based sensing and tracking capabilities for missile defense and how each of such organizations will work together to avoid duplication of efforts.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 1674. NONSTANDARD ACQUISITION PROCESSES OF MISSILE DEFENSE AGENCY.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the Department of Defense needs to provide capabilities at the speed of relevance that are more lethal, and to ensure acquisition processes fulfill the needs of members of the Armed Forces now and in the future;

(2) significant defense acquisition reforms enacted over the past three National Defense Authorization Acts have improved access to nontraditional and commercial innovation and to expanded flexible acquisition authorities in the development of alternative acquisition pathways to acquire critical national security capabilities;

(3) the Department appropriately recently recognized the Missile Defense Agency for its acquisition success by presenting it with the 2018 David Packard Excellence in Acquisition Award for the development of the Space-Based Kill Assessment (SKA) program and the Missile Defense Agency should be commended for its numerous and rapid acquisition successes;

(4) the recently completed Missile Defense Review explicitly highlights, in stark terms, the threat posed to the United States by ballistic and hypersonic missile threats; and

(5) the Missile Defense Agency should maintain its nonstandard acquisition authorities in order to continue to rapidly design, test, and deliver critically needed defensive capabilities to the warfighter.

(b) CHANGES TO NONSTANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES.—

(1) LIMITATION.—None of the funds authorized to be appropriated by this Act may be obligated or expended to change the nonstandard acquisition processes and responsibilities described in paragraph (2) until the Secretary—

(A) has consulted with the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Policy, the secretaries of the military departments, the Chairman of the Joint Chiefs of Staff, the Commander of United States Strategic Command (USSTRATCOM), the Commander of United States Northern Command (USNORTHCOM), and the Director of the Missile Defense Agency;

(B) certifies to the congressional defense committees that the Secretary has coordinated the changes with and received the views of the individuals referred to in subparagraph (A);

(C) submits to the congressional defense committees a report describing the changes, the rationale for the changes, and the views of the individuals referred to in subparagraph (A) with respect to such changes; and

(D) a period of 270 days has elapsed since submittal of the report under subparagraph (C).

(2) NONSTANDARD ACQUISITION PROCESSES AND RESPONSIBILITIES DESCRIBED.—The nonstandard acquisition processes and responsibilities described in this paragraph are

such processes and responsibilities described in—

(A) the memorandum of the Secretary of Defense titled “Missile Defense Program Direction” signed on January 2, 2002; and

(B) Department of Defense Directive 5134.09, as in effect on the date of the enactment of this Act.

**SEC. 1675. PLAN FOR THE REDESIGNED KILL VEHICLE.**

(a) **REPORT REQUIRED.**—The Director of the Missile Defense Agency shall submit to the congressional defense committees a report on the delay in the Redesigned Kill Vehicle Program.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the reason for the delay.

(2) An overview of the revised program schedule including a revised test plan and revised acquisition strategy.

(3) A detailed description of any recommendations that could be utilized to accelerate the scheduled fielding including modifications to the acquisition strategy or the procurement and assembly of long-lead materials unaffected by the reason for the delay.

(4) A timeline associated with such recommendations.

(5) Additional funding required to carry out such recommendations.

(6) An assessment of risk associated with such recommendations.

(7) A description of any recommendations that were submitted to the Director by contractors that the Director considers reasonable but were not adopted.

(8) An explanation as to why the recommendations described in paragraph (7) were not adopted.

(c) **FORM OF REPORT.**—The report required under subsection (a) shall be submitted in unclassified form, but may contain a classified annex.

**SEC. 1676. REPORT ON IMPROVING GROUND-BASED MIDCOURSE DEFENSE ELEMENT OF BALLISTIC MISSILE DEFENSE SYSTEM.**

(a) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Director of the Missile Defense Agency shall submit to the congressional defense committees a report on—

(1) options to increase the capability, capacity, and reliability of the ground-based midcourse defense element of the United States ballistic missile defense system; and

(2) the infrastructure requirements for increasing the number of ground-based interceptors as part of such element.

(b) **CONTENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the requirements of the ground-based midcourse defense element of the United States ballistic missile defense system to meet threats outlined in the 2018 National Defense Strategy and the 2019 Missile Defense Review.

(2) An assessment of the feasibility of fielding up to 104 ground-based interceptors as part of such element, including a description of the additional infrastructure and components needed to further outfit missile fields at Fort Greely, Alaska.

(3) A cost estimate of such infrastructure and components.

(4) An estimated schedule for completing such construction as may be required for such infrastructure and components.

(5) An identification of any environmental assessments or impact studies that would need to be conducted to expand missile fields at Fort Greely beyond current capacity.

(6) A determination of the appropriate fleet mix of ground-based interceptor kill vehicles and boosters to maximize overall system ef-

fectiveness and increase its capacity and capability, including the costs and benefits of continued inclusion of capability enhancement II block 1 interceptors after the fielding of the redesigned kill vehicle.

(7) The modernization requirements for the ground-based midcourse system, including all command and control, ground systems, sensors and sensor interfaces, boosters and kill vehicles, and integration of known future systems and components.

(8) A discussion of the obsolescence of such systems and components.

(9) The industrial base requirements relating to the ground-based midcourse system, as determined by the Director of the Missile Defense Agency.

(10) Such other matters as the Director considers appropriate.

(c) **FORM.**—The report submitted under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 1677. SENSE OF THE SENATE ON RECENT MISSILE DEFENSE AGENCY TESTS.**

It is the Sense of the Senate that the Office of the Under Secretary of Defense for Research and Engineering, the Missile Defense Agency, the Office of the Director for Operational Test and Evaluation, the operational test agencies, the military departments, and warfighters should—

(1) be strongly commended for a highly successful 2018 flight test campaign, which consisted of 13 total flight test events including—

(A) FTX-35, which successfully proved interoperability between Terminal High Altitude Area Defense (THAAD) and the Phased Array Tracking Radar to Intercept on Target (PATRIOT) to detect and track a simulated engagement with a short-range ballistic missile;

(B) Pacific Dragon 2018, which successfully demonstrated joint ballistic missile defense interoperability with Japan and Korea to engage a short-range ballistic missile with a Standard Missile 3 (SM-3) Block IB by a Japanese ship and an Aegis Ashore site;

(C) JFTM-5, which successfully demonstrated the intercept of an short-range ballistic missile with a Standard Missile 3 Block IB threat upgrade from a Japanese ship;

(D) FTM-45, which successfully demonstrated the intercept of a medium-range ballistic missile with a Standard Missile 3 Block IIA from a United States ship; and

(E) FTT-03, which as a part of the operational test of the European Phased Adaptive Approach (EPAA) Phase 3 architecture, successfully demonstrated the intercept of an intermediate-range ballistic missile using the Aegis Weapon System’s Engage-on-Remote capability; and

(2) be especially recognized for the success of FTG-11, the first salvo test of the United States of the Ground-based Midcourse Defense system, during which two ground-based interceptors were launched nearly simultaneously from the same location and successfully intercepted the kill vehicle of a threat-representative intercontinental ballistic missile target, and then the next most lethal object.

**SEC. 1678. SENSE OF THE SENATE ON MISSILE DEFENSE TECHNOLOGY DEVELOPMENT PRIORITIES.**

It is the sense of the Senate that—

(1) the 2019 Missile Defense Review articulates a comprehensive approach to preventing and defeating the rapidly expanding offensive missile threat through a combination of deterrence, active and passive missile defense, and attack operations;

(2) to counter the expanding offense missile capabilities of potential adversaries and hedge against unanticipated missile threats,

the Secretary of Defense should aggressively pursue new missile defense capabilities and examine concepts and technologies for advanced missile defense systems;

(3) the Secretary should fully implement the 2019 Missile Defense Review’s focus on increasing investments in and deploying new technologies and concepts; and

(4) the Secretary should work to ensure that all missile defense systems are more survivable, including through—

(A) more distributed air and missile defense operations; and

(B) improved camouflage, concealment, and deception, including emission control.

**SEC. 1679. PUBLICATION OF ENVIRONMENTAL IMPACT STATEMENT PREPARED FOR CERTAIN POTENTIAL FUTURE MISSILE DEFENSE SITES.**

The Secretary of Defense shall make available to the public the environmental impact statement prepared pursuant to section 227(b) of the National Defense Authorization Act for Fiscal Year 2013 (126 Stat. 1679; Public Law 112-239).

**Subtitle F—Other Matters**

**SEC. 1681. MATTERS RELATING TO MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT.**

(a) **AFFIRMING THE AUTHORITY OF THE SECRETARY OF DEFENSE TO CONDUCT MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT.**—

(1) **IN GENERAL.**—Chapter 19 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 397. Military operations in the information environment**

“(a) **AFFIRMATION OF AUTHORITY.**—(1) Congress affirms that the Secretary of Defense is authorized to conduct military operations, including clandestine operations, in the information environment to defend the United States, allies of the United States, and interests of the United States, including in response to malicious influence activities carried out against the United States or a United States person by a foreign power.

“(2) The military operations referred to in paragraph (1), when appropriately authorized include the conduct of military operations short of hostilities and in areas outside of areas of active hostilities for the purpose of preparation of the environment, influence, force protection, and deterrence of hostilities.

“(b) **TREATMENT OF CLANDESTINE MILITARY OPERATIONS IN THE INFORMATION ENVIRONMENT AS TRADITIONAL MILITARY ACTIVITIES.**—A clandestine military operation in the information environment shall be considered a traditional military activity for the purposes of section 503(e)(2) of the National Security Act of 1947 (50 U.S.C. 3093(e)(2)).

“(c) **QUARTERLY INFORMATION OPERATIONS BRIEFINGS.**—(1) Not less frequently than once each quarter, the Secretary of Defense shall provide the congressional defense committees a briefing on significant military operations, including all clandestine operations in the information environment, carried out by the Department of Defense during the immediately preceding quarter.

“(2) Each briefing under subsection (1) shall include, with respect to the military operations in the information environment described in such paragraph, the following:

“(A) An update, disaggregated by geographic and functional command, that describes the operations carried out by the commands.

“(B) An overview of authorities and legal issues applicable to the operations, including any relevant legal limitations.

“(C) An outline of any interagency activities and initiatives relating to the operations.

“(D) Such other matters as the Secretary considers appropriate.

“(d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to limit, expand, or otherwise alter the authority of the Secretary to conduct military operations, including clandestine operations, in the information environment, to authorize specific military operations, or to limit, expand, or otherwise alter or otherwise affect the War Powers Resolution (50 U.S.C. 1541 et seq.) or an authorization for use of military force that was in effect on the day before the date of the enactment of this Act.

“(e) **DEFINITIONS.**—In this section:

“(1) The terms ‘foreign person’ and ‘United States person’ have the meanings given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

“(2) The term ‘hostilities’ has the same meaning as such term is used in the War Powers Resolution (50 U.S.C. 1541 et seq.).

“(3) The term ‘clandestine military operation in the information environment’ means an operation or activity, or associated preparatory actions, authorized by the President or the Secretary of Defense, that—

“(A) is marked by, held in, or conducted with secrecy, where the intent is that the operation or activity will not be apparent or acknowledged publicly; and

“(B) is to be carried out—

“(i) as part of a military operation plan approved by the President or the Secretary of Defense;

“(ii) to deter, safeguard, or defend against attacks or malicious influence activities against the United States, allies of the United States, and interests of the United States; or

“(iii) in support of hostilities or military operations involving the United States armed forces; or

“(iv) in support of military operations short of hostilities and in areas where hostilities are not occurring for the purpose of preparation of the environment, influence, force protection, and deterrence.”.

(2) **CLERICAL AMENDMENTS.**—

(A) **CHAPTER 19.**—

(i) **CHAPTER HEADING.**—The heading of chapter 19 of such title is amended to read as follows:

**“CHAPTER 19—CYBER AND INFORMATION OPERATIONS MATTERS”.**

(ii) **TABLE OF SECTIONS.**—The table of sections at the beginning of chapter 19 of such title is amended by inserting at the end the following new item:

“397. Military operations in the information environment.”.

(B) **TABLE OF CHAPTERS.**—The table of chapters for part I of subtitle A of such title is amended by striking the item relating to chapter 19 and inserting the following new item:

**“19. Cyber and Information Operations Matters ..... 391”.**

(b) **PRINCIPAL INFORMATION OPERATIONS ADVISOR.**—

(1) **DESIGNATION.**—The Secretary of Defense shall designate, from among officials appointed to a position in the Department of Defense by and with the advice and consent of the Senate, a Principal Information Operations Advisor to act as the principal advisor to the Secretary on all aspects of information operations conducted by the Department.

(2) **RESPONSIBILITIES.**—The Principal Information Operations Advisor shall have the following responsibilities:

(A) Oversight of policy, strategy, planning, resource management, operational considerations, personnel, and technology develop-

ment across all the elements of information operations of the Department.

(B) Overall integration and supervision of the deterrence of, conduct of, and defense against information operations.

(C) Promulgation of policies to ensure adequate coordination and deconfliction with the Department of State, the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), and other relevant agencies and departments of the Federal Government.

(D) Coordination with the head of the Global Engagement Center to support the purpose of the Center (as set forth by section 1287(a)(2) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 22 U.S.C. 2656 note)) and liaison with the Center and other relevant Federal Government entities to support such purpose.

(E) Establishing and supervising a rigorous risk management process to mitigate the risk of potential exposure of United States Persons to information intended exclusively for foreign audiences.

(F) Development of guidance for, and promotion of, the capability of the Department to liaison with the private sector and academia on matters relating to the influence activities of malign actors.

(G) Such other matters relating to information operations as the Secretary shall specify for purposes of this subsection.

(c) **CROSS-FUNCTIONAL TEAM.**—

(1) **ESTABLISHMENT.**—The Principal Information Operations Advisor shall integrate the expertise in all elements of information operations and perspectives of appropriate organizations within the Office of the Secretary of Defense, Joint Staff, military departments, Defense Agencies, and combatant commands by establishing and maintaining a full-time cross-functional team composed of subject-matter experts selected from those organizations.

(2) **SELECTION AND ORGANIZATION.**—The cross-functional team established under paragraph (1) shall be selected, organized, and managed in a manner consistent with section 911 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 10 U.S.C. 111 note).

(d) **DESIGNATION OF COORDINATING AUTHORITY.**—

(1) **DESIGNATION.**—The Secretary of Defense shall designate United States Special Operations Command as the coordinating authority for information operations of the Department.

(2) **RESPONSIBILITIES.**—The combatant command designated under paragraph (1) shall be responsible for the following:

(A) Synchronizing the Department’s information operations plans and operations across combatant commands.

(B) Acting as the joint proponent for information operations capabilities.

(e) **STRATEGY AND POSTURE REVIEW.**—

(1) **STRATEGY AND POSTURE REVIEW REQUIRED.**—The Secretary of Defense, acting through the Principal Information Operations Advisor and the cross-functional team established under subsection (c)(1), shall—

(A) develop or update, as appropriate, a strategy for operations in the information environment; and

(B) conduct an information operations posture review, including an analysis of capability gaps that inhibit the Department’s ability to successfully execute the strategy developed or updated pursuant to subparagraph (A).

(2) **ELEMENTS.**—At a minimum, the strategy developed or updated pursuant to paragraph (1)(A) shall include the following:

(A) The establishment of lines of effort, objectives, and tasks that are necessary to im-

plement the strategy and eliminate the gaps identified under paragraph (1)(B).

(B) Designation of offices of primary responsibility for implementing and achieving the tasks as set forth in the strategy.

**SEC. 1682. EXTENSION OF AUTHORIZATION FOR PROTECTION OF CERTAIN FACILITIES AND ASSETS FROM UNMANNED AIRCRAFT.**

Section 1301(i) of title 10, United States Code, is amended by striking “2020” both places it appears and inserting “2024”.

**SEC. 1683. HARD AND DEEPLY BURIED TARGETS.**

(a) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than December 1, 2019, the Chairman of the Joint Chiefs of Staff shall, in consultation with the Commander of the United States Strategic Command, submit to the congressional defense committees a classified report on hard and deeply buried targets.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) An estimate of the total number of high-value hard and deeply buried targets associated with United States military operations plans.

(B) A description of the contents, functions, and hardening characteristics of the targets described in subparagraph (A), as well as their level of protection by anti-access and area denial capabilities.

(C) An assessment of the current ability of the United States to hold such targets at risk using existing conventional and nuclear capabilities.

(D) An assessment of the potential ability of the United States to hold such targets at risk using projected conventional and nuclear capabilities as of 2030.

(b) **PLAN.**—Not later than February 15, 2020, the Secretary of Defense shall develop a plan to ensure that the United States possesses by 2025 the capabilities to pose a credible deterrent threat against targets described in the report required by subsection (a).

(c) **CERTIFICATION.**—Not later than March 1, 2020, and annually thereafter, the Secretary shall certify to the congressional defense committees that the plan required by subsection (b) is being implemented in accordance with the 2025 deadline specified in that subsection.

**DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS**

**SEC. 2001. SHORT TITLE.**

This division may be cited as the “Military Construction Authorization Act for Fiscal Year 2020”.

**SEC. 2002. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.**

(a) **EXPIRATION OF AUTHORIZATIONS AFTER FIVE YEARS.**—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVII and title XXIX for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2025.

(b) **EXCEPTION.**—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment Program (and authorizations of appropriations therefor), for which appropriated funds have been obligated before the later of—

(1) October 1, 2024; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2025 for military construction projects, land acquisition,



family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment Program.

**SEC. 2003. EFFECTIVE DATE.**

Titles XXI through XXVII and title XXIX shall take effect on the later of—

- (1) October 1, 2019; or
- (2) the date of the enactment of this Act.

**TITLE XXI—ARMY MILITARY CONSTRUCTION**

**SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construc-

tion projects inside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

State	Installation	Amount
Alabama .....	Redstone Arsenal .....	\$38,000,000
Colorado .....	Fort Carson .....	\$71,000,000
Georgia .....	Fort Gordon .....	\$107,000,000
	Hunter Army Airfield .....	\$62,000,000
Kentucky .....	Fort Campbell .....	\$61,300,000
Massachusetts .....	Soldier Systems Center Natick .....	\$50,000,000
Michigan .....	Detroit Arsenal .....	\$24,000,000
New York .....	Fort Drum .....	\$44,000,000
North Carolina .....	Fort Bragg .....	\$12,500,000
Oklahoma .....	Fort Sill .....	\$73,000,000
Pennsylvania .....	Carlisle Barracks .....	\$98,000,000
South Carolina .....	Fort Jackson .....	\$88,000,000
Texas .....	Corpus Christi Army Depot .....	\$86,000,000
	Fort Hood .....	\$50,500,000
Virginia .....	Fort Belvoir .....	\$60,000,000
	Joint Base Langley-Eustis .....	\$55,000,000
Washington .....	Joint Base Lewis-McChord .....	\$46,000,000

(b) **OUTSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Installation	Amount
Honduras .....	Soto Cano Air Base .....	\$34,000,000
Japan .....	Kadena Air Base .....	\$80,000,000

**SEC. 2102. FAMILY HOUSING.**

(a) **CONSTRUCTION AND ACQUISITION.**—Using amounts appropriated pursuant to the authorization of appropriations in section

2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may construct or acquire family hous-

ing units (including land acquisition and supporting facilities) at the installations or locations, in the number of units, and in the amounts set forth in the following table:

**Army: Family Housing**

State/Country	Installation or Location	Units	Amount
Pennsylvania .....	Tobyhanna Army Depot .....	Family Housing Replacement Construction.	\$19,000,000

(b) **PLANNING AND DESIGN.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2103(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$9,222,000.

**SEC. 2103. AUTHORIZATION OF APPROPRIATIONS, ARMY.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Army

as specified in the funding table in section 4601.

(b) **LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.**—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2104. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECT.**

In the case of the authorization contained in the table in section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232) for Anniston Army Depot, Alabama, for con-

struction of a weapon maintenance shop, the Secretary of the Army may construct a 21,000 square foot weapon maintenance shop.

**TITLE XXII—NAVY MILITARY CONSTRUCTION**

**SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) **INSIDE THE UNITED STATES.**—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Navy: Inside the United States

State	Installation or Location	Amount
Arizona .....	Yuma .....	\$189,760,000
California .....	Camp Pendleton .....	\$185,569,000
	China Lake .....	\$64,500,000
	Coronado .....	\$165,830,000
	Marine Corps Air Station Miramar .....	\$37,400,000
	Marine Corps Recruit Depot San Diego .....	\$9,900,000
	Seal Beach .....	\$123,310,000
	Travis Air Force Base .....	\$64,000,000
Connecticut .....	New London .....	\$72,260,000
Florida .....	Naval Air Station Jacksonville .....	\$32,420,000
	Marine Corps Support Facility Blount Island .....	\$18,700,000
Hawaii .....	Kaneohe Bay .....	\$134,050,000
	West Loch .....	\$53,790,000
North Carolina .....	Camp Lejeune .....	\$229,010,000
	Marine Corps Air Station Cherry Point .....	\$166,870,000
	New River .....	\$11,320,000
South Carolina .....	Marine Corps Recruit Depot Parris Island .....	\$37,200,000
Virginia .....	Norfolk .....	\$79,100,000
	Portsmouth .....	\$48,930,000
	Quantico .....	\$143,350,000
	Yorktown .....	\$59,000,000
Washington .....	Bremerton .....	\$51,010,000
	Keyport .....	\$25,050,000
	Kitsap .....	\$48,000,000
Unspecified CONUS .....	Zulu .....	\$59,600,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

## Navy: Outside the United States

Country	Installation or Location	Amount
Australia .....	Darwin .....	\$211,500,000
Bahrain Island .....	Southwest Asia .....	\$53,360,000
Guam .....	Joint Region Marianas .....	\$226,000,000
Italy .....	Sigonella .....	\$77,400,000
Japan .....	Iwakuni .....	\$15,870,000
	Yokosuka .....	\$174,692,000

## SEC. 2202. FAMILY HOUSING.

Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$5,863,000.

## SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a) of this Act and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Navy may improve ex-

isting military family housing units in an amount not to exceed \$41,798,000.

## SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Navy, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed the total amount authorized to be appropriated under

subsection (a), as specified in the funding table in section 4601.

## TITLE XXIII—AIR FORCE MILITARY CONSTRUCTION

## SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

## Air Force: Inside the United States

State	Installation or Location	Amount
Alaska .....	Eielson Air Force Base .....	\$8,600,000
Arkansas .....	Little Rock Air Force Base .....	\$47,000,000
California .....	Travis Air Force Base .....	\$43,100,000

## Air Force: Inside the United States—Continued

State	Installation or Location	Amount
Colorado .....	Peterson Air Force Base .....	\$54,000,000
	Schriever Air Force Base .....	\$148,000,000
Illinois .....	Scott Air Force Base .....	\$100,000,000
Missouri .....	Whiteman Air Force Base .....	\$27,000,000
Montana .....	Malmstrom Air Force Base .....	\$235,000,000
Nevada .....	Nellis Air Force Base .....	\$65,200,000
New Mexico .....	Holloman Air Force Base .....	\$20,000,000
	Kirtland Air Force Base .....	\$37,900,000
North Dakota .....	Minot Air Force Base .....	\$5,500,000
Texas .....	Joint Base San Antonio .....	\$207,300,000
Utah .....	Hill Air Force Base .....	\$114,500,000
Washington .....	Fairchild Air Force Base .....	\$31,000,000
Wyoming .....	F.E. Warren Air Force Base .....	\$18,100,000
Unspecified CONUS .....	Zulu .....	\$31,200,000
Unspecified Worldwide .....	Zulu .....	\$230,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and carry out military con-

struction projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

## Air Force: Outside the United States

Country	Installation or Location	Amount
Australia .....	Tindal .....	\$70,600,000
Cyprus .....	Royal Air Force Akrotiri .....	\$27,000,000
Guam .....	Joint Region Marianas .....	\$65,000,000
Japan .....	Kadena Air Base .....	\$31,500,000
	Misawa Air Base .....	\$5,300,000
	Yokota Air Base .....	\$12,400,000
Jordan .....	Azraq .....	\$66,000,000
Mariana Islands .....	Tinian .....	\$316,000,000
United Kingdom .....	Royal Air Force Lakenheath .....	\$14,300,000

**SEC. 2302. FAMILY HOUSING.**

Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed \$3,409,000.

**SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.**

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a) and available for military family housing functions as specified in the funding table in section 4601, the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed \$53,584,000.

**SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of the Air Force, as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section

2301 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**SEC. 2305. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2015 PROJECT.**

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2015 (division B of Public Law 113-291; 128 Stat. 3679) for Royal Air Force Croughton, for JIAC Consolidation Phase 1, the location shall be Royal Air Force Molesworth, United Kingdom.

**SEC. 2306. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2016 PROJECT.**

In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2016 (division B of Public Law 114-92; 129 Stat. 1153) for JIAC Consolidation Phase 2, as modified by section 2305 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232) for an unspecified location in the United Kingdom, the Secretary of the Air Force may construct a 5,152 square meter intelligence analytic center, a 5,234 square meter intelligence fusion center, and a 807 square meter battlefield information collection and exploitation system center at Royal Air Force Molesworth, United Kingdom.

**SEC. 2307. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2017 PROJECT.**

In the case of the authorization contained in the table in section 2301(b) of the Military

Construction Authorization Act for Fiscal Year 2017 (division B of Public Law 114-328; 130 Stat. 2697) for JIAC Consolidation Phase 3, as modified by section 2305 of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-32) for an unspecified location in the United Kingdom, the Secretary of the Air Force may construct a 1,562 square meter regional joint intelligence training facility and a 4,495 square meter combatant command intelligence facility at Royal Air Force Molesworth, United Kingdom.

**SEC. 2308. ADDITIONAL AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2018 PROJECTS.**

(a) JOINT BASE SAN ANTONIO.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1826) for Joint Base San Antonio, Texas—

(1) for construction of a dining and classroom facility the Secretary of the Air Force may construct a 750 square meter equipment building; and

(2) for construction of an air traffic control tower the Secretary of the Air Force may construct a 636 square meter air traffic control tower.

(b) RYGGE.—In the case of the authorization contained in the table in section 2903 of the Military Construction Authorization Act for Fiscal Year 2018 (division B of Public Law 115-91; 131 Stat. 1876) for Rygge, Norway, for repairing and expanding a quick reaction alert pad, the Secretary of the Air Force may construct 1,327 square meters of aircraft

shelter and a 404 square meter fire protection support building.

**SEC. 2309. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 2019 PROJECTS.**

(a) HANSCOM AIR FORCE BASE.—In the case of the authorization contained in the table in section 2301(a) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232) for Hanscom Air Force Base, Massachusetts, for the construction of a semiconductor or microelectronics lab facility, the Secretary of the Air Force may construct a 1,000 kilowatt stand-by generator.

(b) ROYAL AIR FORCE LAKENHEATH.—In the case of the authorization contained in the table in section 2301(b) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232) for Royal Air Force Lakenheath, United Kingdom, for the construction of an F-35 dormitory, the Secretary of the Air Force may construct a 5,900 square meter dormitory.

**TITLE XXIV—DEFENSE AGENCIES  
MILITARY CONSTRUCTION  
SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2403(a) and available for military construction projects inside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction projects for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Inside the United States**

State	Installation or Location	Amount
California .....	Beale Air Force Base .....	\$33,700,000
	Camp Pendleton .....	\$17,700,000
CONUS Classified .....	Classified Location .....	\$82,200,000
Florida .....	Elgin Air Force Base .....	\$16,500,000
	Hurlburt Field .....	\$108,386,000
	Key West .....	\$16,000,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$67,700,000
Maryland .....	Fort Detrick .....	\$27,846,000
Mississippi .....	Columbus Air Force Base .....	\$16,800,000
North Carolina .....	Camp Lejeune .....	\$13,400,000
	Fort Bragg .....	\$84,103,000
Oklahoma .....	Tulsa International Airport .....	\$18,900,000
Rhode Island .....	Quonset State Airport .....	\$11,600,000
South Carolina .....	Joint Base Charleston .....	\$33,300,000
South Dakota .....	Ellsworth Air Force Base .....	\$24,800,000
Virginia .....	Dam Neck .....	\$12,770,000
	Defense Distribution Depot Richmond .....	\$98,800,000
	Joint Expeditionary Base Little Creek-Fort Story .....	\$45,604,000
	Pentagon .....	\$28,802,000
Washington .....	Joint Base Lewis-McChord .....	\$47,700,000
Wisconsin .....	General Mitchell International Airport .....	\$25,900,000
Unspecified CONUS .....	Zulu .....	\$100,000,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for military construc-

tion projects outside the United States as specified in the funding table in section 4601, the Secretary of Defense may acquire real property and carry out military construction

projects for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Country	Installation or Location	Amount
Germany .....	Geilenkirchen Air Base .....	\$30,479,000
	Ramstein Air Base .....	\$66,880,000
Guam .....	Joint Region Marianas .....	\$19,200,000
Japan .....	Yokota Air Base .....	\$136,411,000
Worldwide Classified .....	Classified Location .....	\$52,000,000

**SEC. 2402. AUTHORIZED ENERGY RESILIENCE AND CONSERVATION INVESTMENT PROGRAM PROJECTS.**

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the au-

thorization of appropriations in section 2403(a) and available for energy conservation projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under

chapter 173 of title 10, United States Code, for the installations or locations inside the United States, and in the amounts, set forth in the following table:

**ERCIP Projects: Inside the United States**

State	Installation or Location	Amount
California .....	Mountain View .....	\$9,700,000
	Naval Air Weapons Station China Lake .....	\$8,950,000
	Naval Support Activity Monterey .....	\$10,540,000
Hawaii .....	Joint Base Pearl Harbor-Hickam .....	\$4,000,000
Louisiana .....	Joint Reserve Base Naval Air Station New Orleans .....	\$5,340,000

**ERCIP Projects: Inside the United States—Continued**

State	Installation or Location	Amount
Maryland .....	South Potomac .....	\$18,460,000
	Naval Support Activity Bethesda .....	\$13,840,000
New Mexico .....	White Sands Missile Range .....	\$5,800,000
Texas .....	Fort Hood .....	\$16,500,000
	Camp Swift .....	\$4,500,000
Virginia .....	National Reconnaissance Office Headquarters .....	\$66,000
Washington .....	Naval Base Kitsap .....	\$23,670,000

(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2403(a) and available for energy conservation

projects as specified in the funding table in section 4601, the Secretary of Defense may carry out energy conservation projects under chapter 173 of title 10, United States Code,

for the installations or locations outside the United States, and in the amounts, set forth in the following table:

**ERCIP Projects: Outside the United States**

Country	Installation or Location	Amount
Guam .....	Naval Base Guam .....	\$16,970,000

**SEC. 2403. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), as specified in the funding table in section 4601.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed the total amount authorized to be appropriated under subsection (a), as specified in the funding table in section 4601.

**TITLE XXV—INTERNATIONAL PROGRAMS****Subtitle A—North Atlantic Treaty****Organization Security Investment Program****SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment Program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

**SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.**

(a) AUTHORIZATION.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Or-

ganization Security Investment Program authorized by section 2501 as specified in the funding table in section 4601.

(b) AUTHORITY TO RECOGNIZE NATO AUTHORIZATION AMOUNTS AS BUDGETARY RESOURCES FOR PROJECT EXECUTION.—When the United States is designated as the Host Nation for the purposes of executing a project under the NATO Security Investment Program (NSIP), the Department of Defense construction agent may recognize the NATO project authorization amounts as budgetary resources to incur obligations for the purposes of executing the NSIP project.

**Subtitle B—Host Country In-Kind Contributions****SEC. 2511. REPUBLIC OF KOREA FUNDED CONSTRUCTION PROJECTS.**

Pursuant to agreement with the Republic of Korea for required in-kind contributions, the Secretary of Defense may accept military construction projects for the installations or locations, and in the amounts, set forth in the following table:

**Republic of Korea Funded Construction Projects**

Country	Component	Installation or Location	Project	Amount
Korea .....	Army .....	Camp Carroll .....	Army Prepositioned Stock-4 Wheeled Vehicle Maintenance Facility .....	\$51,000,000
	Army .....	Camp Humphreys	Unaccompanied Enlisted Personnel Housing, P1 .....	\$154,000,000
	Army .....	Camp Humphreys	Unaccompanied Enlisted Personnel Housing, P2 .....	\$211,000,000
	Army .....	Camp Humphreys	Satellite Communications Facility .....	\$32,000,000
	Air Force .....	Gwangju Air Base	Hydrant Fuel System Upgrade Electrical .....	\$35,000,000
	Air Force .....	Kunsan Air Base ...	Distribution System .....	\$14,200,000
	Air Force .....	Kunsan Air Base ...	Dining Facility .....	\$21,000,000
	Air Force .....	Suwon Air Base ...	Hydrant Fuel System .....	\$24,000,000

**TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES****SEC. 2601. AUTHORIZED ARMY NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry out military construction projects for the Army National Guard locations inside the

United States, and in the amounts, set forth in the following table:

**Army National Guard**

State	Location	Amount
Alabama .....	Anniston Army Depot .....	\$34,000,000
	Foley .....	\$12,000,000
California .....	Camp Roberts .....	\$12,000,000
Idaho .....	Orchard Training Area .....	\$29,000,000
Maryland .....	Havre de Grace .....	\$12,000,000
Massachusetts .....	Camp Edwards .....	\$9,700,000
Minnesota .....	New Ulm .....	\$11,200,000
Mississippi .....	Camp Shelby .....	\$8,100,000
Missouri .....	Springfield .....	\$12,000,000
Nebraska .....	Bellevue .....	\$29,000,000
New Hampshire .....	Concord .....	\$5,950,000
New York .....	Jamaica Armory .....	\$91,000,000
Pennsylvania .....	Moon Township .....	\$23,000,000
Vermont .....	Camp Ethan Allen .....	\$30,000,000
Washington .....	Richland .....	\$11,400,000

**SEC. 2602. AUTHORIZED ARMY RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Army may acquire real property and carry

out military construction projects for the Army Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Army Reserve**

State	Location	Amount
Delaware .....	Dover Air Force Base .....	\$21,000,000
Wisconsin .....	Fort McCoy .....	\$25,000,000

**SEC. 2603. AUTHORIZED NAVY RESERVE AND MARINE CORPS RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Navy may acquire real property and carry

out military construction projects for the Navy Reserve and Marine Corps Reserve locations inside the United States, and in the amounts, set forth in the following table:

**Navy Reserve and Marine Corps Reserve**

State	Location	Amount
Louisiana .....	New Orleans .....	\$25,260,000

**SEC. 2604. AUTHORIZED AIR NATIONAL GUARD CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air National Guard locations inside the United States, and in the amounts, set forth in the following table:

**Air National Guard**

State	Location	Amount
California .....	Moffett Air National Guard Base .....	\$57,000,000
Georgia .....	Savannah/Hilton Head International Airport .....	\$24,000,000
Missouri .....	Rosecrans Memorial Airport .....	\$9,500,000
Puerto Rico .....	Luis Munoz Marin International Airport .....	\$50,000,000
Wisconsin .....	Truax Field Air National Guard Base .....	\$34,000,000

**SEC. 2605. AUTHORIZED AIR FORCE RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

Using amounts appropriated pursuant to the authorization of appropriations in sec-

tion 2606 and available for the National Guard and Reserve as specified in the funding table in section 4601, the Secretary of the Air Force may acquire real property and

carry out military construction projects for the Air Force Reserve locations inside the United States, and in the amounts, set forth in the following table:



## Air Force Reserve

State	Location	Amount
Georgia .....	Robins Air Force Base .....	\$43,000,000
Minnesota .....	Minneapolis-St. Paul International Airport .....	\$9,800,000

**SEC. 2606. AUTHORIZATION OF APPROPRIATIONS, NATIONAL GUARD AND RESERVE.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), as specified in the funding table in section 4601.

**TITLE XXVII—BASE REALIGNMENT AND CLOSURE ACTIVITIES****SEC. 2701. AUTHORIZATION OF APPROPRIATIONS FOR BASE REALIGNMENT AND CLOSURE ACTIVITIES FUNDED THROUGH DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT.**

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for base realignment and closure activities, including real property acquisition and military construction projects, as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and funded through the Department of Defense Base Closure Account established by section 2906 of such Act (as amended by section 2711 of the Military Construction Authorization Act for Fiscal Year 2013 (division B of Public Law 112-239; 126 Stat. 2140)), as specified in the funding table in section 4601.

**SEC. 2702. PROHIBITION ON CONDUCTING ADDITIONAL BASE REALIGNMENT AND CLOSURE (BRAC) ROUND.**

Nothing in this Act shall be construed to authorize an additional Base Realignment and Closure (BRAC) round.

**TITLE XXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS****Subtitle A—Military Construction Program****SEC. 2801. MILITARY INSTALLATION RESILIENCE PLANS AND PROJECTS OF DEPARTMENT OF DEFENSE.****(a) PLANS AND PROJECTS.—**

(1) IN GENERAL.—Subchapter I of chapter 169 of title 10, United States Code, is amended by adding at the end the following new sections:

**“§ 2815. Military installation resilience plans**

“(a) IN GENERAL.—The Secretary of each military department shall ensure the maintenance and enhancement of military installation resilience through the development and implementation of military installation resilience plans under this section for each military installation under the jurisdiction of such Secretary that is in a coastal area.

“(b) MILITARY INSTALLATION RESILIENCE PLANS FOR NATIONAL GUARD INSTALLATIONS.—The Secretary of a military department, subject to the availability of appropriations, may develop and implement a military installation resilience plan for a State-owned installation of the National Guard that is in a coastal area if—

“(1) such a plan is developed and implemented in coordination with the chief executive officer of the State in which the installation is located; and

“(2) such a plan is deemed, for purposes of any other provision of law, to be for lands or other geographical areas owned or controlled by the Department of Defense, or designated for use by the Department of Defense.

“(c) REQUIRED ELEMENTS OF PLANS.—To the extent appropriate and applicable, each military installation resilience plan under this section shall provide for the following:

“(1) A qualitative and, to the extent practicable, quantitative assessment of—

“(A) current risks and threats to the resilience of the military installation, including from extreme weather events, mean sea level fluctuation, flooding, and other changes in environmental conditions; and

“(B) future risks and threats, including from extreme weather events, mean sea level fluctuation, flooding, and other changes in environmental conditions, based on projections from reliable and authorized sources as described in section 2805(c) of the Military Construction Authorization Act for Fiscal Year 2019 (division B of Public Law 115-232; 10 U.S.C. 2864 note), to the resilience of any project considered in the master plan for the installation under section 2864 of this title during the 50-year lifespan of the installation.

“(2) A description of the—

“(A) assets or infrastructure located on the installation vulnerable to the risks and threats described in paragraph (1), with special emphasis on assets or infrastructure critical to the accomplishment of the missions of the installation and missions of any members of the armed forces stationed at the installation; and

“(B) community infrastructure and resources located outside the military installation that are—

“(i) critical to the accomplishment of the missions of the military installation and of members of the armed forces stationed at the installation; and

“(ii) vulnerable to the risks and threats described in paragraph (1).

“(3) A description of the—

“(A) current or planned infrastructure projects or other measures to mitigate the impacts of risks and threats described in paragraph (1) to the resilience of the military installation and the accomplishment of the missions of the military installation and missions of members of the armed forces stationed at the installation;

“(B) estimated costs associated with such current or planned infrastructure projects or other mitigation measures; and

“(C) current or planned interagency agreements, cooperative agreements, memoranda of agreement, or other agreements with other Federal agencies, Indian tribes, State or local governments or entities, or other organizations or individuals for the purpose of or that will assist in maintaining or enhancing military installation resilience and the resilience of the community infrastructure and resources described in paragraph (2)(B).

“(d) CONSISTENCY AND INTEGRATION WITH OTHER PLANS.—The Secretary of each military department shall ensure that each military installation resilience plan prepared by such Secretary under this section is—

“(1) consistent with the integrated natural resource management plan of the Secretary required by section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a);

“(2) consistent with and integrated into the installation energy resilience master plan of the Secretary required by section 2911(b)(3) of this title; and

“(3) consistent with and integrated into the installation master plan of the Secretary required by section 2864 of this title.

“(e) INCLUSION OF CERTAIN PROJECTS.—The Secretary of each military department shall include in military installation resilience plans under this section projects or improvements to facilities conducted using amounts for sustainment, restoration, and modernization.

“(f) DEFINITIONS.—In this section:

“(1) The term ‘community infrastructure’ has the meaning given that term in section 2391(e)(4) of this title.

“(2) The term ‘Indian tribe’ has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).”.

**“§ 2815a. Military installation resilience projects**

“(a) PROJECTS REQUIRED.—The Secretary of Defense shall carry out military construction projects for military installation resilience, not previously authorized, using funds authorized to be appropriated or otherwise made available for that purpose.

“(b) CONGRESSIONAL NOTIFICATION.—(1) When a decision is made to carry out a project under this section, the Secretary of Defense shall notify the congressional defense committees of that decision.

“(2) The Secretary of Defense shall include in each notification submitted under paragraph (1) the rationale for how the project would—

“(A) enhance military installation resilience;

“(B) enhance mission assurance;

“(C) support mission critical functions; and

“(D) address known vulnerabilities.

“(c) TIMING OF PROJECTS.—A project may be carried out under this section only after the end of the 14-day period beginning on the date that notification with respect to that project under subsection (b) is received by the congressional defense committees in an electronic medium pursuant to section 480 of this title.

“(d) ANNUAL REPORT.—Not later than 90 days after the end of each fiscal year, the Secretary of Defense shall submit to the congressional defense committees a report on the status of the planned and active projects carried out under this section (including completed projects), and shall include in the report with respect to each such project the following information:

“(1) The title, location, a brief description of the scope of work, the original project cost estimate, and the current working cost estimate.

“(2) The rationale for how the project would—

“(A) enhance military installation resilience;

“(B) enhance mission assurance;

“(C) support mission critical functions; and

“(D) address known vulnerabilities.

“(3) Such other information as the Secretary considers appropriate.

“(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Department of Defense to carry out this section \$100,000,000 for each fiscal year.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 169 of

such title is amended by inserting after the item relating to section 2814 the following new items:

“2815. Military installation resilience plans.  
“2815a. Military installation resilience projects.”.

(b) REPORT.—

(1) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report on the extent to which military installation resilience plans were prepared or implemented in accordance with section 2815 of title 10, United States Code, as added by subsection (a)(1).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The number of military installation resilience plans in effect, including the date on which each plan was issued in final form or most recently revised.

(B) The amounts expended on mitigation measures conducted pursuant to or consistent with such plans, including moving critical military functions of the Department of Defense to less vulnerable military installations.

(C) An assessment of the extent to which such plans comply with section 2815 of title 10, United States Code, as added by subsection (a)(1).

**SEC. 2802. PROHIBITION ON USE OF FUNDS TO REDUCE AIR BASE RESILIENCY OR DEMOLISH PROTECTED AIRCRAFT SHELTERS IN THE EUROPEAN THEATER WITHOUT CREATING A SIMILAR PROTECTION FROM ATTACK.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater without creating a similar protection from attack in the European theater until such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

**SEC. 2803. PROHIBITION ON USE OF FUNDS TO CLOSE OR RETURN TO THE HOST NATION ANY EXISTING AIR BASE.**

No funds authorized to be appropriated by this Act or otherwise made available for the Department of Defense for fiscal year 2020 may be obligated or expended to implement any activity that closes or returns to the host nation any existing air base until such time as the Secretary of Defense certifies that there is no longer a need for a rotational military presence in the European theater.

**SEC. 2804. INCREASED AUTHORITY FOR CERTAIN UNSPECIFIED MINOR MILITARY CONSTRUCTION PROJECTS.**

(a) IN GENERAL.—Notwithstanding the limitations specified in section 2805 of title 10, United States Code, the Secretary concerned may carry out unspecified minor military construction projects in an amount not to exceed \$12,000,000 at the following installations:

- (1) Tyndall Air Force Base, Florida.
- (2) Camp Ashland, Nebraska.
- (3) Offutt Air Force Base, Nebraska.
- (4) Camp Lejeune, North Carolina.
- (5) Marine Corps Air Station Cherry Point, North Carolina.

(b) ADJUSTMENT OF LIMITATION.—The Secretary concerned may adjust the dollar limitation specified in subsection (a) applicable to a project described in such subsection to reflect the area construction cost index for military construction projects published by the Department of Defense during the prior fiscal year for the location of the project, except that no such limitation may exceed

\$19,000,000 as the result of any adjustment made under this subsection.

(c) TERMINATION.—The authority under this section shall terminate on the date that is five years after the date of the enactment of this Act.

**SEC. 2805. TECHNICAL CORRECTIONS AND IMPROVEMENTS TO INSTALLATION RESILIENCE.**

(a) DEFENSE ACCESS ROADS.—Section 210 of title 23, United States Code, is amended—

(1) in subsection (a), by striking “(a)(1) The Secretary” and all that follows through the end of paragraph (1) and inserting the following:

“(a) AUTHORIZATION.—

“(1) IN GENERAL.—Of the funds appropriated for defense access roads, the Secretary may use such amounts as are appropriate for—

“(A) the construction and maintenance of defense access roads (including bridges, tubes, tunnels, and culverts or other water management structures on those roads) to—

“(i) military reservations;

“(ii) defense industry sites;

“(iii) air or sea ports that, as determined by the Secretary, in consultation with the Secretary of Defense, are necessary for or are planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies; or

“(iv) sources of raw materials;

“(B) the reconstruction or enhancement of, or improvements to, those roads to ensure the continued effective use of the roads, regardless of current or projected increases in mean high tides, recurrent flooding, or other weather-related conditions or natural disasters, in any case in which the roads are certified to the Secretary as important to the national defense by—

“(i) the Secretary of Defense; or

“(ii) such other official as the President may designate; and

“(C) replacing existing highways and highway connections that are shut off from general public use by necessary closures, closures due to mean sea level fluctuation and flooding, or restrictions at—

“(i) military reservations;

“(ii) air or sea ports that are necessary for or are planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies; or

“(iii) defense industry sites.”;

(2) in subsection (b), by striking “the construction and maintenance of” and inserting “the construction, maintenance, reconstruction, or improvement of, or enhancements to,”;

(3) in subsection (c)—

(A) by striking “him” and inserting “the Secretary”;

(B) by striking “construction, maintenance, and repair work” and inserting “activities for construction, maintenance, reconstruction, enhancement, improvement, and repair”;

(C) by striking “therein” and inserting “in those areas”; and

(D) by striking “condition for such training purposes and for repairing the damage caused to such highways by the operations” and inserting the following: “condition for—

“(1) that training; and

“(2) repairing the damage to those highways caused by—

“(A) weather-related events, increases in mean high tide levels, recurrent flooding, or natural disasters; or

“(B) the operations”;

(4) in subsection (g), in the second sentence, by striking “construction which has been” and inserting “construction and other activities”; and

(5) by striking subsection (i) and inserting the following:

“(i) REPAIR OF CERTAIN DAMAGES AND INFRASTRUCTURE.—The amounts made available to carry out this section may be used to pay the cost of repairing damage caused, or any infrastructure to mitigate a risk posed, to a defense access road by recurrent or projected recurrent flooding, sea level fluctuation, a natural disaster, or any other current or projected change in applicable environmental conditions, if the Secretary determines that continued access to a military installation, defense industry site, air or sea port necessary for or planned to be used for the deployment or sustainment of members of the Armed Forces, equipment, or supplies, or to a source of raw materials, has been or is projected to be impacted by those events or conditions.”.

(b) STUDY ON CERTAIN THREATS TO MILITARY INSTALLATION RESILIENCE.—

(1) STUDY.—

(A) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall complete a comprehensive study, to be conducted by the Director of the Engineer Research and Development Center of the Army Corps of Engineers, on the risks posed by coastal or inland flooding, mean sea level fluctuation, and storm surge to the military installation resilience of military installations and State-owned installations of the National Guard that the Secretary determines are vulnerable to those risks.

(B) COORDINATION.—The study under subparagraph (A) shall be conducted in coordination with other elements of the Army Corps of Engineers, other Federal agencies, and State, local, and tribal officials to ensure consistency with other plans or pre-disaster and risk mitigation measures being planned or taken in the areas within the scope of the study.

(2) RISK MITIGATION MEASURES.—The study required by paragraph (1)(A) shall include the identification of and recommendations concerning ongoing or potential risk mitigation measures, including on lands and waters not under the jurisdiction of the Department of Defense, including authorized projects of the Army Corps of Engineers and current or potential projects under the Continuing Authorities Program of the Corps of Engineers, that would contribute to preserving or enhancing the military installation resilience of military installations and State-owned installations of the National Guard within the scope of the study.

(3) BARRIERS TO MAINTAINING AND ENHANCING RESILIENCE.—The study required by paragraph (1)(A) shall identify institutional, administrative, legislative, and other barriers to preserving and enhancing the military installation resilience of the installations determined by such study to be vulnerable to the risks posed by coastal or inland flooding, sea level rise, or storm surge.

(4) REPORTS.—

(A) INITIAL REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report providing the status of, interim results for, and an expected completion date for the study required by paragraph (1)(A).

(B) FINAL REPORT.—Not later than two years after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a final report on the study required by paragraph (1)(A).

(5) DEFINITIONS.—In this subsection:

(A) CONGRESSIONAL DEFENSE COMMITTEES; MILITARY INSTALLATION RESILIENCE.—The terms “congressional defense committees” and “military installation resilience” have the meanings given those terms in section 101 of title 10, United States Code.

(B) CONTINUING AUTHORITIES PROGRAM OF THE CORPS OF ENGINEERS.—The term “Continuing Authorities Program of the Corps of Engineers” means any of the programs listed in section 1030(a) of the Water Resources Reform and Development Act of 2014 (33 U.S.C. 400).

(C) UPDATE OF UNITED FACILITIES CRITERIA TO INCLUDE CHANGING ENVIRONMENTAL CONDITION PROJECTIONS.—Section 2805(c) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

(1) by striking “Not later than” and inserting the following:

“(1) FISCAL YEAR 2019.—Not later than”;

(2) in paragraph (1), as designated by paragraph (1), by striking “United Facilities Criteria (UFC) 2-100-01 and UFC 2-100-02” and inserting “United Facilities Criteria (UFC) 1-200-01 and UFC 1-200-02”; and

(3) by adding at the end the following new paragraph:

“(2) FISCAL YEAR 2020.—Not later than 30 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020, the Secretary of Defense shall amend the United Facilities Criteria (UFC) as follows:

“(A) To require that installations of the Department of Defense assess the risks from extreme weather and related effects and develop plans to address those risks.

“(B) To require in the design of any military construction project the use of the following weather projections:

“(i) Population projections from the Bureau of the Census.

“(ii) Land use change projections and weather projections from the National Academy of Sciences.

“(iii) Land use change projections through the use of land use and land cover modeling by the United States Geological Survey.

“(iv) Weather projections from the United States Global Change Research Program, including in the National Climate Assessment.

“(v) Weather projections developed through the use of Localized Constructed Analogs Statistical Downscaling.

“(vi) Weather projections developed through the Earth Exchange program of the National Aeronautics and Space Administration.

“(vii) Weather projections included in the technical report NOS CO-OPS 083 set forth by the National Oceanic and Atmospheric Administration.

“(viii) Any customized, high-resolution model weather projections developed by the Strategic Environmental Research and Development Program for specific regions with the goal of assessing the vulnerability of installations of the Department.

“(C) To require the Secretary to provide guidance to project designers and master planners on how to use weather projections.

“(D) To require the use throughout the Department of the Naval Facilities Engineering Command Climate Change Installation Adaptation and Resilience planning handbook.”.

#### Subtitle B—Land Conveyances

#### SEC. 2811. RELEASE OF INTERESTS RETAINED IN CAMP JOSEPH T. ROBINSON, ARKANSAS, FOR USE OF SUCH LAND AS A VETERANS CEMETERY.

(a) RELEASE OF RETAINED INTERESTS.—

(1) IN GENERAL.—With respect to a parcel of land at Camp Joseph T. Robinson, Arkansas, consisting of approximately 141.52 acres that lies in a part of section 35, township 3 north, range 12 west, Pulaski County, Arkansas, and comprising a portion of the property conveyed by the United States to the State of Arkansas for training of the National Guard and for other military purposes pursu-

ant to “An Act authorizing the transfer of part of Camp Joseph T. Robinson to the State of Arkansas”, approved June 30, 1950 (64 Stat. 311, chapter 429), the Secretary of the Army may release the terms and conditions imposed, and reversionary interests retained, by the United States under section 2 of such Act, and the right to reenter and use the property retained by the United States under section 3 of such Act.

(2) IMPACT ON OTHER RIGHTS OR INTERESTS.—The release of terms and conditions and retained interests under paragraph (1) with respect to the parcel described in such paragraph shall not be construed to alter the rights or interests retained by the United States with respect to the remainder of the real property conveyed to the State of Arkansas under the Act described in such paragraph.

(b) INSTRUMENT OF RELEASE AND DESCRIPTION OF PROPERTY.—

(1) IN GENERAL.—The Secretary of the Army may execute and file in the appropriate office a deed of release, amended deed, or other appropriate instrument reflecting the release of terms and conditions and retained interests under subsection (a).

(2) LEGAL DESCRIPTION.—The exact acreage and legal description of the property described in subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army.

(c) CONDITIONS ON RELEASE AND REVERSIONARY INTEREST.—

(1) EXPANSION OF VETERANS CEMETERY AND REVERSIONARY INTEREST.—

(A) EXPANSION OF VETERANS CEMETERY.—The State of Arkansas may use the parcel of land described in subsection (a)(1) only for the expansion of the Arkansas State Veterans Cemetery.

(B) REVERSIONARY INTEREST.—If the Secretary of the Army determines at any time that the parcel of land described in subsection (a)(1) is not being used in accordance with the purpose specified in subparagraph (A), all right, title, and interest in and to the land, including any improvements thereto, shall, at the option of the Secretary, revert to and become the property of the United States, and the United States shall have the right of immediate entry onto such parcel.

(2) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require in the instrument of release such additional terms and conditions in connection with the release of terms and conditions and retained interests under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

(d) PAYMENT OF ADMINISTRATIVE COSTS.—

(1) PAYMENT REQUIRED.—

(A) IN GENERAL.—The Secretary of the Army may require the State of Arkansas to cover costs to be incurred by the Secretary, or to reimburse the Secretary for costs incurred by the Secretary, to carry out the release of terms and conditions and retained interests under subsection (a), including survey costs, costs related to environmental documentation, and other administrative costs related to the release.

(B) REFUND OF AMOUNTS.—If amounts paid to the Secretary by the State of Arkansas in advance under subparagraph (A) exceed the costs actually incurred by the Secretary to carry out the release, the Secretary shall refund the excess amount to the State.

(2) TREATMENT OF AMOUNTS RECEIVED.—Amounts received under paragraph (1) as reimbursement for costs incurred by the Secretary to carry out the release of terms and conditions and retained interests under subsection (a) shall be credited to the fund or account that was used to cover the costs incurred by the Secretary in carrying out the release. Amounts so credited shall be merged

with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

#### SEC. 2812. TRANSFER OF ADMINISTRATIVE JURISDICTION OVER CERTAIN PARCELS OF FEDERAL LAND IN ARLINGTON, VIRGINIA.

(a) TRANSFER TO THE SECRETARY OF THE ARMY.—

(1) TRANSFER.—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Interior to the Secretary of the Army.

(2) DESCRIPTION OF LAND.—The parcel of Federal land referred to in paragraph (1) is the approximately 16.09-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery, Memorial Ave-NPS Parcel” and dated February 11, 2019.

(b) TRANSFER TO THE SECRETARY OF THE INTERIOR.—

(1) TRANSFER.—Administrative jurisdiction over the parcel of Federal land described in paragraph (2) is transferred from the Secretary of the Army to the Secretary of the Interior.

(2) DESCRIPTION OF LAND.—The parcel of Federal land referred to in paragraph (1) is the approximately 1.04-acre parcel of land in Arlington, Virginia, as depicted on the map entitled “Arlington National Cemetery—Chaffee NPS Land Swap” and dated October 31, 2018.

(c) LAND SURVEYS.—The exact acreage and legal description of a parcel of Federal land described in subsection (a)(2) or (b)(2) shall be determined by a survey satisfactory to the Secretary of the Army and the Secretary of the Interior.

(d) AUTHORITY TO CORRECT ERRORS.—The Secretary of the Army and the Secretary of the Interior may correct any clerical or typographical error in a map described in subsection (a)(2) or (b)(2).

(e) TERMS AND CONDITIONS.—

(1) NO REIMBURSEMENT OR CONSIDERATION.—A transfer by subsection (a)(1) or (b)(1) shall be without reimbursement or consideration.

(2) CONTINUED RECREATIONAL ACCESS.—The use of a bicycle trail or recreational access within a parcel of Federal land described in subsection (a)(2) or (b)(2) in which the use or access is authorized before the date of enactment of this Act shall be allowed to continue after the transfer of the applicable parcel of Federal land by subsection (a)(1) or (b)(1).

(3) MANAGEMENT OF PARCEL TRANSFERRED TO SECRETARY OF THE ARMY.—The parcel of Federal land transferred to the Secretary of the Army by section (a)(1) shall be administered by the Secretary of the Army—

(A) as part of Arlington National Cemetery; and

(B) in accordance with applicable law, including—

(i) regulations; and

(ii) section 2409 of title 38, United States Code.

(4) MANAGEMENT OF PARCEL TRANSFERRED TO SECRETARY OF THE INTERIOR.—The parcel of Federal land transferred to the Secretary of the Interior by subsection (b)(1) shall be—

(A) included within the boundary of Arlington House, The Robert E. Lee Memorial; and

(B) administered by the Secretary of the Interior—

(i) as part of the memorial referred to in subparagraph (A); and

(ii) in accordance with applicable law (including regulations).

**SEC. 2813. MODIFICATION OF REQUIREMENTS RELATING TO LAND ACQUISITION IN ARLINGTON COUNTY, VIRGINIA.**

Section 2829A of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2728) is amended—

- (1) in subsection (a)—
  - (A) in paragraph (2)—
    - (i) in subparagraph (A)—
      - (I) by striking “to remove” and inserting “if existing County utilities in the Southgate Road right of way are permitted to remain in accordance with a mutually agreed upon utility easement, to remove”
      - (II) by striking “through a realignment” and inserting “through—
        - “(i) a realignment”;
        - (III) in clause (i), as designated by subclause (I), by striking “and” at the end and inserting “or”;
        - (IV) by adding at the end the following new clause:
          - “(ii) the replacement of Southgate Road with a new access road to Joint Base Myer-Henderson Hall; and”;
          - (ii) in subparagraph (B), by striking the period at the end and inserting “in accordance with this section and applicable Federal, Commonwealth, and County road right of way engineering standards and requirements.”;
  - (B) by amending paragraph (3) to read as follows:
    - “(3) CONSIDERATION.—
      - (A) IN GENERAL.—The Secretary shall expend amounts up to fair market value consideration for the interests in land acquired under this subsection as such value is determined by an independent appraisal process in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).
      - (B) IN-KIND CONSIDERATION.—
        - (i) IN GENERAL.—Any substitute or replacement facilities provided as in-kind consideration to replace existing Commonwealth or County roadways under this subsection shall—
          - “(I) be conveyed in fee simple absolute with no encumbrances or restrictions unless otherwise agreed by the Commonwealth or the County;
          - “(II) comply with applicable Commonwealth or County road right of way engineering standards and requirements; and
          - “(III) with respect to any substitute facility provided for the realignment of Columbia Pike—
            - “(aa) include a right-of-way profile (including constructed roadway, sidewalks, bicycle trails, multi-use trails, buffers, etc.) of not less than 92 feet in width; and
            - “(bb) ensure that, if a vehicle or equipment tunnel under Columbia Pike is determined by the Secretary to be necessary, there is a depth of not less than 10 feet between the top of the tunnel and the surface of the roadway.
        - (ii) DIFFERENCE IN FAIR MARKET VALUE.—The Commonwealth and the County shall be entitled to monetary compensation in an amount equal to the difference in the fair market value of any property acquired under this subsection and any property provided as in-kind consideration under this subparagraph for such acquired property, which shall be appraised—
          - “(I) as if such properties were to be made available as surplus; and
          - “(II) as determined by an independent appraisal process in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.).”;
        - (2) in subsection (c), by striking “appraisals acceptable to the Secretary” and inserting “an independent appraisal process in accordance with the Uniform Relocation As-

sistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.)”; and

(3) in subsection (d), by striking “, in consultation with the Commonwealth and the County where practicable” and inserting “the Commonwealth, and the County”.

**SEC. 2814. WHITE SANDS MISSILE RANGE LAND ENHANCEMENTS.**

- (a) DEFINITIONS.—In this section:
  - (1) MAP.—The term “Map” means the map entitled “White Sands National Park Proposed Boundary Revision & Transfer of Lands Between National Park Service & Department of the Army”, numbered 142/136,271, and dated February 14, 2017.
  - (2) MILITARY MUNITIONS.—The term “military munitions” has the meaning given the term in section 101(e) of title 10, United States Code.
  - (3) MISSILE RANGE.—The term “missile range” means the White Sands Missile Range, New Mexico, administered by the Secretary of the Army.
  - (4) MONUMENT.—The term “Monument” means the White Sands National Monument, New Mexico, established by Presidential Proclamation No. 2025 (54 U.S.C. 320301 note), dated January 18, 1933, and administered by the Secretary.
  - (5) MUNITIONS DEBRIS.—The term “munitions debris” has the meaning given the term in volume 8 of the Department of Defense Manual Number 6055.09-M entitled “DoD Ammunitions and Explosives Safety Standards” and dated February 29, 2008 (as in effect on the date of enactment of this Act).
  - (6) PARK.—The term “Park” means the White Sands National Park established by subsection (b)(2)(A).
  - (7) PUBLIC LAND ORDER.—The term “Public Land Order” means Public Land Order 833, dated May 21, 1952 (17 Fed. Reg. 4822).
  - (8) SECRETARY.—The term “Secretary” means the Secretary of the Interior.
  - (9) STATE.—The term “State” means the State of New Mexico.
  - (b) WHITE SANDS NATIONAL PARK.—
    - (1) FINDINGS.—Congress finds that—
      - (A) White Sands National Monument was established on January 18, 1933, by President Herbert Hoover under chapter 3203 of title 54, United States Code (commonly known as the “Antiquities Act of 1906”);
      - (B) President Hoover proclaimed that the Monument was established “for the preservation of the white sands and additional features of scenic, scientific, and educational interest”;
      - (C) the Monument was expanded by Presidents Roosevelt, Eisenhower, Carter, and Clinton in 1934, 1942, 1953, 1978, and 1996, respectively;
      - (D) the Monument contains a substantially more diverse set of nationally significant historical, archaeological, scientific, and natural resources than were known of at the time the Monument was established, including a number of recent discoveries;
      - (E) the Monument is recognized as a major unit of the National Park System with extraordinary values enjoyed by more visitors each year since 1995 than any other unit in the State;
      - (F) the Monument contributes significantly to the local economy by attracting tourists; and
      - (G) designation of the Monument as a national park would increase public recognition of the diverse array of nationally significant resources at the Monument and visitation to the unit.
    - (2) ESTABLISHMENT OF WHITE SANDS NATIONAL PARK.—
      - (A) ESTABLISHMENT.—To protect, preserve, and restore its scenic, scientific, educational, natural, geological, historical, cultural, archaeological, paleontological, hydrological, fish, wildlife, and recreational

values and to enhance visitor experiences, there is established in the State the White Sands National Park as a unit of the National Park System.

(B) ABOLISHMENT OF WHITE SANDS NATIONAL MONUMENT.—

- (i) ABOLISHMENT.—Due to the establishment of the Park, the Monument is abolished.
- (ii) INCORPORATION.—The land and interests in land that comprise the Monument are incorporated in, and shall be considered to be part of, the Park.
- (C) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the “White Sands National Monument” shall be considered to be a reference to the “White Sands National Park”.
- (D) AVAILABILITY OF FUNDS.—Any funds available for the Monument shall be available for the Park.
- (E) ADMINISTRATION.—The Secretary shall administer the Park in accordance with—
  - (i) this subsection; and
  - (ii) the laws generally applicable to units of the National Park System, including section 100101(a), chapter 1003, sections 100751(a), 100752, 100753, and 102101, and chapter 3201 of title 54, United States Code.
- (F) WORLD HERITAGE LIST NOMINATION.—
  - (i) COUNTY CONCURRENCE.—The Secretary shall not submit a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization unless each county in which the Park is located concurs in the nomination.
  - (ii) ARMY NOTIFICATION.—Before submitting a nomination for the Park to be included on the World Heritage List of the United Nations Educational, Scientific and Cultural Organization, the Secretary shall notify the Secretary of the Army of the intent of the Secretary to nominate the Park.
- (G) EFFECT.—Nothing in this paragraph affects—
  - (i) valid existing rights (including water rights);
  - (ii) permits or contracts issued by the Monument;
  - (iii) existing agreements, including agreements with the Department of Defense;
  - (iv) the jurisdiction of the Department of Defense regarding the restricted airspace above the Park; or
  - (v) the airshed classification of the Park under the Clean Air Act (42 U.S.C. 7401 et seq.).
- (c) MODIFICATION OF BOUNDARIES OF WHITE SANDS NATIONAL PARK AND WHITE SANDS MISSILE RANGE.—
  - (1) TRANSFERS OF ADMINISTRATIVE JURISDICTION.—
    - (A) TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE SECRETARY.—
      - (i) IN GENERAL.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary of the Army to the Secretary.
      - (ii) DESCRIPTION OF LAND.—The land referred to in clause (i) is—
        - (I) the approximately 2,826 acres of land identified as “To NPS, lands inside current boundary” on the Map; and
        - (II) the approximately 5,766 acres of land identified as “To NPS, new additions” on the Map.
    - (B) TRANSFER OF ADMINISTRATIVE JURISDICTION TO THE SECRETARY OF THE ARMY.—
      - (i) IN GENERAL.—Administrative jurisdiction over the land described in clause (ii) is transferred from the Secretary to the Secretary of the Army.
      - (ii) DESCRIPTION OF LAND.—The land referred to in clause (i) is the approximately 3,737 acres of land identified as “To DOA” on the Map.

## (2) BOUNDARY MODIFICATIONS.—

## (A) PARK.—

(i) IN GENERAL.—The boundary of the Park is revised to reflect the boundary depicted on the Map.

## (ii) MAP.—

(I) IN GENERAL.—The Secretary, in coordination with the Secretary of the Army, shall prepare and keep on file for public inspection in the appropriate office of the Secretary a map and a legal description of the revised boundary of the Park.

(II) EFFECT.—The map and legal description under subclause (I) shall have the same force and effect as if included in this section, except that the Secretary may correct clerical and typographical errors in the map and legal description.

(iii) BOUNDARY SURVEY.—As soon as practicable after the date of the establishment of the Park and subject to the availability of funds, the Secretary shall complete an official boundary survey of the Park.

## (B) MISSILE RANGE.—

(i) IN GENERAL.—The boundary of the missile range and the Public Land Order are modified to exclude the land transferred to the Secretary under paragraph (1)(A) and to include the land transferred to the Secretary of the Army under paragraph (1)(B).

(ii) MAP.—The Secretary shall prepare a map and legal description depicting the revised boundary of the missile range.

(C) CONFORMING AMENDMENT.—Section 2854 of Public Law 104–201 (54 U.S.C. 320301 note) is repealed.

## (3) ADMINISTRATION.—

(A) PARK.—The Secretary shall administer the land transferred under paragraph (1)(A) in accordance with laws (including regulations) applicable to the Park.

(B) MISSILE RANGE.—Subject to subparagraph (C), the Secretary of the Army shall administer the land transferred to the Secretary of the Army under paragraph (1)(B) as part of the missile range.

## (C) INFRASTRUCTURE; RESOURCE MANAGEMENT.—

## (i) RANGE ROAD 7.—

(I) INFRASTRUCTURE MANAGEMENT.—To the maximum extent practicable, in planning, constructing, and managing infrastructure on the land described in subclause (III), the Secretary of the Army shall apply low-impact development techniques and strategies to prevent impacts within the missile range and the Park from stormwater runoff from the land described in that subclause.

(II) RESOURCE MANAGEMENT.—The Secretary of the Army shall—

(aa) manage the land described in subclause (III) in a manner consistent with the protection of natural and cultural resources within the missile range and the Park and in accordance with section 101(a)(1)(B) of the Sikes Act (16 U.S.C. 670a(a)(1)(B)), division A of subtitle III of title 54, United States Code, and the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.); and

(bb) include the land described in subclause (III) in the integrated natural and cultural resource management plan for the missile range.

(III) DESCRIPTION OF LAND.—The land referred to in subclauses (I) and (II) is the land that is transferred to the administrative jurisdiction of the Secretary of the Army under paragraph (1)(B) and located in the area east of Range Road 7 in—

(aa) T. 17 S., R. 5 E., sec. 31;

(bb) T. 18 S., R. 5 E.; and

(cc) T. 19 S., R. 5 E., sec. 5.

## (ii) FENCE.—

(I) IN GENERAL.—The Secretary of the Army shall continue to allow the Secretary to maintain the fence shown on the Map until such time as the Secretary determines

that the fence is unnecessary for the management of the Park.

(II) REMOVAL.—If the Secretary determines that the fence is unnecessary for the management of the Park under subclause (I), the Secretary shall promptly remove the fence at the expense of the Department of the Interior.

(D) RESEARCH.—The Secretary of the Army and the Secretary may enter into an agreement to allow the Secretary to conduct certain research in the area identified as “Cooperative Use Research Area” on the Map.

## (E) MILITARY MUNITIONS AND MUNITIONS DEBRIS.—

(i) RESPONSE ACTION.—With respect to any Federal liability, the Secretary of the Army shall remain responsible for any response action addressing military munitions or munitions debris on the land transferred under paragraph (1)(A) to the same extent as on the day before the date of enactment of this Act.

## (ii) INVESTIGATION OF MILITARY MUNITIONS AND MUNITIONS DEBRIS.—

(I) IN GENERAL.—The Secretary may request that the Secretary of the Army conduct 1 or more investigations of military munitions or munitions debris on any land transferred under paragraph (1)(A).

(II) ACCESS.—The Secretary shall give access to the Secretary of the Army to the land covered by a request under subclause (I) for the purposes of conducting the 1 or more investigations under that subclause.

(III) LIMITATION.—An investigation conducted under this clause shall be subject to available appropriations.

(iii) APPLICABLE LAW.—Any activities undertaken under this subparagraph shall be carried out in accordance with—

(I) the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.);

(II) the purposes for which the Park was established; and

(III) any other applicable law.

**Subtitle C—Other Matters****SEC. 2821. EQUAL TREATMENT OF INSURED DEPOSITORY INSTITUTIONS AND CREDIT UNIONS OPERATING ON MILITARY INSTALLATIONS.**

Section 2667 of title 10, United States Code, is amended by adding at the end the following:

“(1) TREATMENT OF INSURED DEPOSITORY INSTITUTIONS.—(I) Each covered insured depository institution operating on a military installation within the continental United States may be allotted space or leased land on the military installation without charge for rent or services in the same manner as a credit union organized under State law or a Federal credit union under section 124 of the Federal Credit Union Act (12 U.S.C. 1770) if space is available.

“(2) Each covered insured depository institution, credit union organized under State law, and Federal credit union operating on a military installation within the continental United States shall be treated equally with respect to policies of the Department of Defense governing the financial terms of leases, logistical support, services, and utilities.

“(3) The Secretary concerned shall not be required to provide no-cost office space or a no-cost land lease to any covered insured depository institution, credit union organized under State law, or Federal credit union.

“(4) In this subsection:

“(A) The term ‘covered insured depository institution’ means an insured depository institution that meets the requirements applicable to a credit union organized under State law or a Federal credit union under section 124 of the Federal Credit Union Act (12 U.S.C. 1770). The depositors of an insured depository institution shall be considered members for

purposes of the application of this subparagraph to that section.

“(B) The term ‘Federal credit union’ has the meaning given the term in section 101 of the Federal Credit Union Act (12 U.S.C. 1752).

“(C) The term ‘insured depository institution’ has the meaning given the term in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).”.

**SEC. 2822. EXPANSION OF TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND KUWAIT MILITARY FORCES.**

(a) EXPANSION.—Section 2804 of the Military Construction Authorization Act for Fiscal Year 2016 (10 U.S.C. 2350j note) is amended—

(1) in subsection (a)—

(A) by striking “government of Kuwait” and inserting “Government of Kuwait and the Government of the Republic of Korea”; and

(B) by striking “Kuwait military forces” and inserting “the military forces of the applicable contributing country”;

(2) in subsection (b), by inserting “for contributions from the contributing country” after “Secretary of Defense”;

(3) in subsection (c), by striking “government of Kuwait” and inserting “government of the contributing country”; and

(4) in subsection (e)—

(A) in paragraph (1), by striking “government of Kuwait” and inserting “government of the contributing country”; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking “Kuwait military forces” and inserting “military forces of the contributing country”; and

(ii) in subparagraph (C), by striking “Kuwait military forces” and inserting “the military forces of the contributing country”.

(b) CONFORMING AMENDMENT.—The heading of such section is amended to read as follows:

**“SEC. 2804. TEMPORARY AUTHORITY FOR ACCEPTANCE AND USE OF CONTRIBUTIONS FOR CERTAIN CONSTRUCTION, MAINTENANCE, AND REPAIR PROJECTS MUTUALLY BENEFICIAL TO THE DEPARTMENT OF DEFENSE AND THE MILITARY FORCES OF KUWAIT AND THE REPUBLIC OF KOREA.”****SEC. 2823. DESIGNATION OF SUMPTER SMITH JOINT NATIONAL GUARD BASE.**

(a) DESIGNATION.—The Sumpter Smith Air National Guard Base in Birmingham, Alabama, shall after the date of the enactment of this Act be known and designated as the “Sumpter Smith Joint National Guard Base”.

(b) REFERENCE.—Any reference in any law, regulation, map, document, paper, or other record of the United States to the installation referred to in subsection (a) shall be considered to be a reference to the Sumpter Smith Joint National Guard Base.

**SEC. 2824. PROHIBITION ON USE OF FUNDS TO PRIVATIZE TEMPORARY LODGING ON INSTALLATIONS OF DEPARTMENT OF DEFENSE.**

No funds may be authorized to be appropriated to the Department of Defense for fiscal year 2020 to privatize temporary lodging on installations of the Department.

**SEC. 2825. PILOT PROGRAM TO EXTEND SERVICE LIFE OF ROADS AND RUNWAYS UNDER THE JURISDICTION OF THE SECRETARIES OF THE MILITARY DEPARTMENTS.**

(a) PILOT PROGRAM AUTHORIZED.—Each Secretary of a military department may carry out a pilot program to design, build, and test technologies and innovative pavement materials in order to extend the service life of roads and runways under the jurisdiction of the Secretary concerned.

(b) SCOPE.—A pilot program under subsection (a) shall include the following:

(1) The design, testing, and assembly of technologies and systems suitable for pavement applications.

(2) Research, development, and testing of new pavement materials for use in different geographic areas in the United States.

(3) The design and procurement of platforms and equipment to test the performance, cost, feasibility, and effectiveness of the technologies, systems, and materials described in paragraphs (1) and (2).

(c) AWARD OF CONTRACTS OR GRANTS.—

(1) IN GENERAL.—Each Secretary of a military department may carry out a pilot program under subsection (a) through the award of contracts or grants for the designing, building, or testing of technologies or inno-

vative pavement materials under the pilot program.

(2) MERIT-BASED SELECTION.—Any award of a contract or grant under a pilot program under subsection (a) shall be made using merit-based selection procedures.

(d) REPORT.—

(1) IN GENERAL.—Not later than two years after the commencement of a pilot program under subsection (a), the Secretary of the military department concerned shall submit to the congressional defense committees a report on the pilot program.

(2) CONTENTS.—Each report under paragraph (1) with respect to a pilot program shall include the following:

(A) An assessment of the effectiveness of activities under the pilot program in improving the service life of roads and runways

under the jurisdiction of the Secretary concerned.

(B) An analysis of the potential lifetime cost savings and reduction in energy demands associated with the extended service life of such roads and runways.

(e) TERMINATION OF AUTHORITY.—Each pilot program under subsection (a) shall terminate on September 30, 2024.

**TITLE XXIX—OVERSEAS CONTINGENCY OPERATIONS MILITARY CONSTRUCTION**  
**SEC. 2901. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**

The Secretary of the Army may acquire real property and carry out the military construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

Country	Location	Amount
Cuba .....	Guantanamo Bay .....	\$33,800,000
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$42,200,000

**SEC. 2902. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.**  
The Secretary of the Navy may acquire real property and carry out the military con-

struction projects for the installations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

Country	Location	Amount
Spain .....	Rota .....	\$69,570,000

**SEC. 2903. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.**  
The Secretary of the Air Force may acquire real property and carry out the mili-

tary construction projects for the installations outside the United States, and in the amounts, set forth in the following table:

**Air Force: Outside the United States**

Country	Location	Amount
Iceland .....	Keflavik .....	\$57,000,000
Spain .....	Moron .....	\$8,500,000
Worldwide Unspecified .....	Unspecified Worldwide Locations .....	\$175,000,000

**SEC. 2904. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.**  
The Secretary of Defense may acquire real property and carry out the military con-

struction projects for the installations outside the United States, and in the amounts, set forth in the following table:

**Defense Agencies: Outside the United States**

Country	Location	Amount
Germany .....	Gemersheim .....	\$46,000,000

**SEC. 2905. DISASTER RECOVERY PROJECTS.**  
(a) NAVY.—The Secretary of the Navy may acquire real property and carry out military

construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

State	Location	Amount
North Carolina .....	Camp Lejeune .....	\$861,587,000
	Marine Corps Air Station Cherry Point .....	\$64,561,000
Unspecified .....	Zulu .....	\$50,000,000



(b) AIR FORCE.—The Secretary of the Air Force may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

### Air Force: Inside the United States

State	Location	Amount
Florida .....	Tyndall Air Force Base .....	\$1,278,700,000
Unspecified .....	Zulu .....	\$247,000,000

(c) ARMY NATIONAL GUARD.—The Secretary of the Army may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

### Army National Guard: Inside the United States

State	Location	Amount
Florida .....	Panama City .....	\$25,000,000
North Carolina .....	MTA Fort Fisher .....	\$25,000,000

(d) DEFENSE-WIDE.—The Secretary of Defense may acquire real property and carry out military construction projects inside the United States relating to disaster recovery for the locations, and in the amounts, set forth in the following table:

### Defense-wide: Inside the United States

State	Location	Amount
North Carolina .....	Camp Lejeune—Defense Health Agency .....	\$45,313,000
	Camp Lejeune—SOCOM .....	\$30,000,000

#### SEC. 2906. REPLENISHMENT OF CERTAIN MILITARY CONSTRUCTIONS FUNDS.

(a) IN GENERAL.—Of the amount authorized to be appropriated for fiscal year 2020 by section 2905 and available as specified in the funding table in section 4602, \$3,600,000,000 shall be available for replenishment of funds that were authorized to be appropriated by military construction authorization Acts for fiscal years before fiscal year 2020 for military construction projects authorized by such Acts, but were used instead for military construction projects authorized by section 2808 of title 10, United States Code, in connection with the national emergency along the southern land border of the United States declared in 2019 pursuant to the National Emergencies Act (50 U.S.C. 1601 et seq.).

#### (b) REPLENISHMENT BY TRANSFER.—

(1) IN GENERAL.—Any amounts available under subsection (a) that are used for replenishment of funds as described in that subsection shall be transferred to the account that was the source of such funds.

(2) INAPPLICABILITY TOWARD TRANSFER LIMITATIONS.—Any transfer of amounts under this subsection shall not count toward any limitation on transfer of Department of Defense funds in section 1001 or 1512 or any other limitation on transfer of Department of funds in law.

(3) SUNSET OF AUTHORITY.—The authority to make transfers under this subsection shall terminate on September 30, 2020.

#### (c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts transferred under subsection (b) for replenishment of funds as described in subsection (a) may be used only for military construction projects for which such funds were originally authorized in a military construction authorization Act described in subsection (a).

(2) NO INCREASE IN AUTHORIZED AMOUNT OF PROJECTS.—The total amount of funds available for a military construction project described in paragraph (1) may not exceed the current amount authorized for such project by applicable military construction authorization Acts (including this Act). A replen-

ishment of funds under this section for a military construction project shall not operate to increase the authorized amount of the project or the amount authorized to be available for the project.

#### SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2019, for the military construction projects outside the United States authorized by this title as specified in the funding table in section 4602.

### TITLE XXX—MILITARY HOUSING PRIVATIZATION REFORM

#### SEC. 3001. DEFINITIONS.

(a) IN GENERAL.—In this title:

(1) LANDLORD.—The term “landlord” has the meaning given that term in section 2871 of title 10, United States Code, as amended by subsection (b).

(2) PRIVATIZED MILITARY HOUSING.—The term “privatized military housing” means housing provided under subchapter IV of chapter 169 of title 10, United States Code.

(b) TITLE 10.—Section 2871 of title 10, United States Code, is amended—

(1) by redesignating paragraphs (7) and (8) as paragraphs (9) and (11), respectively;

(2) by inserting after paragraph (6) the following new paragraphs:

“(7) The term ‘incentive fees’ means any amounts payable to a landlord for meeting or exceeding performance metrics as specified in a contract with the Department of Defense.

“(8) The term ‘landlord’ means an eligible entity or lessor who owns, manages, or is otherwise responsible for a housing unit under this subchapter.”; and

(3) by inserting after paragraph (9), as redesignated by paragraph (1) of this subsection, the following new paragraph:

“(10) The term ‘tenant’ means a member of the armed forces, including a reserve component thereof, or a family member of a member of the armed forces who resides at a housing unit under this subchapter.”.

#### Subtitle A—Accountability and Oversight

#### SEC. 3011. TENANT BILL OF RIGHTS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§ 2887. Tenant Bill of Rights

“(a) IN GENERAL.—(1) The Secretary of Defense, in coordination with the Secretary of each military department, shall develop a document known as the ‘Tenant Bill of Rights’ for tenants of housing units under this subchapter.

“(2) At a minimum, the document developed under paragraph (1) shall contain the right of each tenant as follows:

“(A) To reside in a home and community that meets health and environmental standards established by the Secretary of Defense.

“(B) To reside in a home that has working fixtures, appliances, and utilities and reside in a community with well-maintained common areas and amenity spaces.

“(C) To report inadequate housing standards or deficits in habitability to the landlord, chain of command, and housing management office without fear of reprisal.

“(D) With respect to the housing management office of the installation of the Department at which the housing unit is located—

“(i) to use such office as an advocate relating to such housing unit; and

“(ii) to receive advice and support from such office relating to such housing unit.

“(E) To receive property management services provided by a landlord that meet or exceed industry standards and that are performed by professionally trained, responsive, and courteous customer service and maintenance staff.

“(F) To have multiple, convenient methods to communicate directly with the landlord and maintenance staff, and to receive honest, straightforward, and responsive communications at all times.

“(G) With respect to repairs—

“(i) to prompt and professional repairs;

“(ii) to be informed of the required time frame for those repairs when a maintenance request is submitted; and

“(iii) to prompt relocation into suitable lodging or other housing at no cost to the tenant until the repairs are completed or relocation to an alternative residence on the installation or within the surrounding local community at no cost to the tenant.

“(H) To enter into a dispute resolution process under section 2891 of this title concerning disputes over repairs, damage claims, and rental payments to be resolved by a neutral decision maker, with any decision in favor of the tenant to include a reduction in rent owed to the landlord to be paid or credited to the tenant.

“(I) To withhold basic allowance for housing (including for any dependents of the tenant in the tenant's household) under section 403 of title 37, or any pay of the tenant subject to allotment described in section 2882(c) of this title, if the tenant is engaged in a dispute under subparagraph (H) until a decision in the matter is made.

“(J) To be fully briefed by the landlord on all rights and responsibilities associated with tenancy prior to signing a lease and receive a 30-day followup to review these responsibilities.

“(K) To have sufficient time and opportunity to prepare and be present for move-in and move-out inspections, including an opportunity to obtain necessary paperwork.

“(L) To have reasonable, advance notice of any entrance by a landlord into the housing unit, except in the case of an emergency.

“(M) To have clearly defined rental terms in the lease agreement.

“(N) To not pay non-refundable fees or have application of rent credits arbitrarily held.

“(O) To have universal procedures for housing under this subchapter that are the same for all installations of the Department.

“(P) To file claims against a landlord.

“(3) The document developed under paragraph (1) shall contain the responsibilities of each tenant as follows:

“(A) To report maintenance or quality of life issues to the landlord in a timely manner.

“(B) To maintain standard upkeep of the housing unit as recommended by the housing management office.

“(b) DISTRIBUTION.—The Secretary shall ensure that the Tenant Bill of Rights under this section is attached to each lease agreement for housing under this subchapter.

“(c) REPORT AND PUBLICATION.—(1) Beginning in fiscal year 2021, and biennially thereafter, the Secretary of Defense, in coordination with the Secretary of each military department, shall submit to the congressional defense committees, as part of the annual budget submission of the President for that year under section 1105(a) of title 31, United States Code, the Tenant Bill of Rights under this section.

“(2) Upon submitting the Tenant Bill of Rights to the congressional defense committees under paragraph (1), the Secretary of Defense shall publish the Tenant Bill of Rights on a publicly available Internet website of the Department of Defense.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2886 the following new item:

“2887. Tenant Bill of Rights.”

(c) MILITARY DEPARTMENT PLANS.—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation by that military department of section 2887 of title 10, United States Code, as added by subsection (a).

#### SEC. 3012. DESIGNATION OF CHIEF HOUSING OFFICER FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872a the following new section:

##### “§ 2872b. Chief Housing Officer

“(a) IN GENERAL.—(1) The Secretary of Defense shall designate, from among officials of the Department of Defense who are appointed by the President with the advice and consent of the Senate, a Chief Housing Officer who shall oversee housing provided under this subchapter.

“(2) The official designated under paragraph (1) may have duties in addition to the duties of the Chief Housing Officer under this section.

“(b) DUTIES.—The Chief Housing Officer shall oversee all aspects of the provision of housing under this subchapter, including by carrying out the following:

“(1) Creation and standardization of policies and processes.

“(2) Oversight of the administration of lease agreements by the Secretary of each military department.

“(3) Audits of the provision of housing under this subchapter, including audits of lease agreements and other contracts, maintenance work orders, and incentive fee payments and general audits in the conduct of oversight.

“(c) OFFICE AND STAFF.—(1) The Chief Housing Officer shall establish and maintain an office staffed by military personnel and employees of the Department of Defense whose skills and capabilities will assist the Chief Housing Officer in the exercise of the duties of the Chief Housing Officer under subsection (b). Such office shall be known as the ‘Office of the Chief Housing Officer’.

“(2) Personnel and employees staffed under paragraph (1) shall include legal counsel, engineers, and auditors.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872a the following new item: “2872b. Chief Housing Officer.”

(c) REPORT.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on—

(1) the designation of a Chief Housing Officer under section 2872b of title 10, United States Code, as added by subsection (a); and

(2) the organizational structure, funding, human resources, and other relevant requirements of the Office of the Chief Housing Officer under such section.

#### SEC. 3013. COMMAND OVERSIGHT OF MILITARY PRIVATIZED HOUSING AS ELEMENT OF PERFORMANCE EVALUATIONS.

(a) EVALUATIONS IN GENERAL.—Each Secretary of a military department shall ensure that the performance evaluations of any individual described in subsection (b) under the jurisdiction of such Secretary indicates the extent to which such individual has or has not exercised effective oversight and leadership in the following:

(1) Improving conditions of privatized housing under the military privatized housing initiative under subchapter IV of chapter 169, United States Code.

(2) Addressing concerns with respect to such housing of members of the Armed Forces and their families who reside in such housing on an installation of the military department concerned.

(b) COVERED INDIVIDUALS.—The individuals described in this subsection are as follows:

(1) The commander of an installation of a military department at which on-installation housing is managed by a landlord under

the military privatized housing initiative referred to in subsection (a)(1).

(2) Each officer or senior enlisted member of the Armed Forces at an installation described in paragraph (1) whose duties include facilities or housing management at such installation.

(3) Any other officer or enlisted member of the Armed Forces (whether or not at an installation described in paragraph (1)) as specified by the Secretary of the military department concerned for purposes of this section.

#### SEC. 3014. CONSIDERATION OF HISTORY OF LANDLORD IN CONTRACT RENEWAL PROCESS FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874 the following new section:

##### “§ 2874a. Consideration of history of landlord in contract renewal process

“(a) IN GENERAL.—In deciding whether to enter into or renew a contract with a landlord under this subchapter, the Secretary of Defense shall develop a standard process for determining past performance for purposes of informing future decisions regarding the award of such a contract.

“(b) ELEMENTS OF PROCESS.—The process developed under subsection (a) shall include, at a minimum, consideration of the following:

“(1) Any history of the landlord of providing substandard housing.

“(2) The recommendation of the commander of the installation at which the housing is to be located under the contract.

“(3) The recommendation of the commander of any installation at which the landlord has provided housing under this subchapter.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2874 the following new item:

“2874a. Consideration of history of landlord in contract renewal process.”

#### SEC. 3015. TREATMENT OF BREACH OF CONTRACT FOR PRIVATIZED MILITARY HOUSING.

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874a the following new section:

##### “§ 2874b. Treatment of breach of contract

“Notwithstanding any other provision of law, the Secretary of Defense—

(1) shall withhold amounts to be paid under a contract under this subchapter if the other party to the contract is found to have engaged in a material breach of the contract;

(2) shall rescind a contract under this subchapter if the other party to the contract, based on credible evidence, fails to cure such breach within 90 days; and

(3) shall not permit the other party to a contract rescinded under paragraph (2) to enter into new contracts with the Secretary under this subchapter or undertake expansions under existing contracts with the Secretary under this subchapter.”

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2874a the following new item:

“2874b. Treatment of breach of contract.”

#### SEC. 3016. UNIFORM CODE OF BASIC STANDARDS FOR PRIVATIZED MILITARY HOUSING AND PLAN TO CONDUCT INSPECTIONS AND ASSESSMENTS.

(a) UNIFORM CODE.—The Secretary of Defense shall establish a uniform code of basic housing standards for safety, comfort, and habitability for privatized military housing.

(b) PLAN.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a plan of the Department of Defense to contract with home inspectors described in subsection (c) to conduct a thorough inspection and assessment of the structural integrity and habitability of each privatized military housing unit.

(2) INCLUSION OF UNIFORM CODE.—The plan submitted under paragraph (1) shall include the uniform code established under subsection (a).

(3) IMPLEMENTATION.—

(A) IN GENERAL.—Not later than February 1, 2021, the Secretary of each military department shall conduct inspections and assessments of privatized military housing units under the jurisdiction of the Secretary concerned pursuant to the plan submitted under paragraph (1) to identify issues and ensure compliance with applicable housing codes, including the uniform code established under subsection (a).

(B) REPORT.—Not later than March 1, 2021, the Secretary of Defense shall submit to the congressional defense committees a report on the findings of the inspections and assessments conducted under subparagraph (A).

(C) HOME INSPECTORS DESCRIBED.—A home inspector described in this subsection is a home inspector that is not affiliated with—

(1) the Federal Government; or

(2) an individual or entity who owns or manages a privatized military housing unit.

**SEC. 3017. REPEAL OF SUPPLEMENTAL PAYMENTS TO LESSORS AND REQUIREMENT FOR USE OF FUNDS IN CONNECTION WITH THE MILITARY HOUSING PRIVATIZATION INITIATIVE.**

(a) REPEAL.—

(1) IN GENERAL.—Section 606 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1795; 10 U.S.C. 2871 note) is amended by striking subsection (a).

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to months beginning on or after that date.

(b) USE OF FUNDS IN CONNECTION WITH MHPI.—

(1) IN GENERAL.—Each month beginning with the first month after the date of the enactment of this Act, each Secretary of a military department shall do the following:

(A) PAYMENTS TO LESSORS.—Use funds, in an amount calculated pursuant to paragraph (2)(A), for payments to lessors of covered housing in the manner provided by subsection (a) of section 606 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, as in effect on the day before the date of the enactment of this Act.

(B) IMPROVEMENT OF OVERSIGHT AND MANAGEMENT OF AGREEMENTS.—Use funds, in an amount calculated pursuant to paragraph (2)(B), for improvements of the oversight and management of agreements for MHPI housing under the jurisdiction of such Secretary.

(2) MONTHLY AMOUNTS.—

(A) FOR PAYMENTS TO LESSORS.—The amount calculated for a military department for a month pursuant to this subparagraph is 2 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for covered housing under the jurisdiction of such department for such month.

(B) FOR IMPROVEMENT OF OVERSIGHT AND MANAGEMENT OF AGREEMENTS.—The amount calculated for a military department for a month pursuant to this subparagraph is 3 percent of the aggregate of the amounts calculated under section 403(b)(3)(A)(i) of title 37, United States Code, for covered housing

under the jurisdiction of such department for such month.

(3) IMPROVEMENTS.—Improvements under paragraph (1)(B) to the oversight and management of agreements described in that paragraph may include the following:

(A) Assignment of additional civilian personnel to perform oversight and management functions with respect to such agreements.

(B) Investment in technological mechanisms to assist the military department concerned in overseeing the maintenance and upkeep of MHPI housing.

(C) Such additional investment in the oversight and management of such agreements, and in overseeing the maintenance and upkeep of MHPI housing, as the Secretary of the military department concerned considers appropriate.

(4) ADDITIONAL PAYMENTS TO LESSORS.—In any month described in paragraph (1), the Secretary of a military department may use amounts, in addition to amounts calculated pursuant to paragraph (2)(A), for payments to lessors as described in paragraph (1)(A) if such Secretary provides advance notice of such payments to the Committees on Armed Services of the Senate and the House of Representatives.

(5) DEFINITIONS.—In this subsection, the terms “covered housing” and “MHPI housing” have the meanings given such terms in section 606(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

**SEC. 3018. STANDARD FOR COMMON CREDENTIALS FOR HEALTH AND ENVIRONMENTAL INSPECTORS OF PRIVATIZED MILITARY HOUSING.**

(a) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report that contains a standard for common credentials to be used throughout the Department of Defense for all inspectors of health and environmental hazards at privatized military housing units, including inspectors contracted by the Department.

(b) INCLUSION OF CATEGORIES FOR SPECIFIC ENVIRONMENTAL HAZARDS.—The standard submitted under subsection (a) shall include categories for specific environmental hazards such as lead, mold, and radon.

**SEC. 3019. IMPROVEMENT OF PRIVATIZED MILITARY HOUSING.**

(a) COMPLAINT DATABASE AND FINANCIAL TRANSPARENCY.—

(1) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new sections:

**“§ 2888. Complaint database**

“(a) DATABASE REQUIRED.—The Secretary of Defense shall establish a database that is available to the public of complaints relating to housing units under this subchapter.

“(b) FILING OF COMPLAINTS.—The Secretary shall ensure that a tenant of a housing unit under this subchapter may file a complaint relating to such housing unit for inclusion in the database under subsection (a).

“(c) RESPONSE BY LANDLORD.—(1) The Secretary shall include in any contract with a landlord responsible for a housing unit under this subchapter a requirement that the landlord respond to any complaints included in the database under subsection (a) that relate to the housing unit.

“(2) Any response under paragraph (1) shall be included in the database under subsection (a).

**“§ 2889. Financial transparency**

“(a) PUBLICATION OF DETAILS OF CONTRACTS.—(1) Not less frequently than annually, the Secretary of Defense shall publish in the Federal Register the financial details of

each contract for the management of housing units under this subchapter.

“(2) The financial details published under paragraph (1) shall include the following:

“(A) Base management fees for managing the housing units.

“(B) Incentive fees relating to the housing units, including details on the following:

“(i) Metrics upon which such incentive fees are paid.

“(ii) Whether incentive fees were paid in full or withheld in part or in full during the year covered by the publication, and if so, why.

“(C) Asset management fees relating to the housing units.

“(D) Preferred return fees relating to the housing units.

“(E) Any deferred fees or other fees relating to the housing units.

“(F) Residual cash flow distributions relating to the housing units.

“(b) ANNUAL FINANCIAL STATEMENTS.—(1) The Secretary of Defense shall require that each landlord submit to the Secretary, not less frequently than annually, financial statements equivalent to a 10-K (or successor form) for—

“(A) the landlord; and

“(B) each contract entered into between the landlord and the Department of Defense under this subchapter.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2887 the following new items:

“2888. Complaint database.

“2889. Financial transparency.”.

(b) ANNUAL REPORTS ON PRIVATIZED MILITARY HOUSING AND DENIED REQUESTS TO WITHHOLD PAYMENTS.—Section 2884 of title 10, United States Code, is amended by adding at the end the following new subsections:

“(d) ANNUAL REPORT ON HOUSING.—(1) Not less frequently than annually, the Secretary of Defense shall submit to the congressional defense committees and publish on a publicly available website of the Department of Defense a report on housing units under this subchapter, disaggregated by military installation.

“(2) Each report submitted under paragraph (1) shall include the following:

“(A) An assessment of the condition of housing units under this subchapter based on the average age of those units and the estimated time until recapitalization.

“(B) An analysis of complaints of tenants of such housing units.

“(C) An assessment of maintenance response times and completion of maintenance requests relating to such housing units.

“(D) An assessment of dispute resolution relating to such housing units.

“(E) An assessment of overall customer service for tenants of such housing units.

“(F) A description of the results of any notice housing inspections conducted for such housing units.

“(G) The results of any resident surveys conducted with respect to such housing units.

“(e) REPORT ON DENIED REQUESTS TO WITHHOLD PAYMENTS.—Not less frequently than annually, the commander of each military installation shall submit to the congressional defense committees a report on all requests that were made by members of the armed forces who are tenants of housing units under this subchapter to withhold from the landlord of such unit any basic allowance for housing payable to the member (including for any dependents of the member in the member's household) under section 403 of title 37, or any other allotment of pay under section 2882(c) of this title, and that were denied during the year covered by the report.”.

**SEC. 3020. ACCESS TO MAINTENANCE WORK ORDER SYSTEM OF LANDLORDS OF PRIVATIZED MILITARY HOUSING.**

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**“§ 2890. Access to maintenance work order system**

“The Secretary of Defense shall require each landlord that provides housing under this subchapter at an installation of the Department of Defense to provide access to the maintenance work order system of such landlord with respect to such housing to the following:

“(1) Personnel of the housing management office at such installation.

“(2) Personnel of the installation and engineer command or center of the military department concerned.

“(3) Such other personnel of the Department of Defense as the Secretary determines necessary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2889 the following new item:

“2890. Access to maintenance work order system.”.

**SEC. 3021. ACCESS BY TENANTS OF PRIVATIZED MILITARY HOUSING TO WORK ORDER SYSTEM OF LANDLORD.**

The Secretary of Defense shall require that each landlord for a privatized military housing unit—

(1) have an electronic work order system for all work orders for maintenance requests relating to such unit; and

(2) provide to a tenant of such unit access to such system to, at a minimum, track the status and progress of work orders for maintenance requests relating to such unit.

**Subtitle B—Prioritizing Families**

**SEC. 3031. DISPUTE RESOLUTION PROCESS FOR LANDLORD-TENANT DISPUTES REGARDING PRIVATIZED MILITARY HOUSING AND REQUESTS TO WITHHOLD PAYMENTS.**

(a) DISPUTE RESOLUTION AND REQUEST TO WITHHOLD PAYMENT.—

(1) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new sections:

**“§ 2891. Landlord-tenant dispute resolution process**

“(a) IN GENERAL.—The Secretary of Defense shall implement a standardized formal dispute resolution process on each military installation with housing units under this subchapter to ensure the prompt and fair resolution of landlord-tenant disputes concerning maintenance and repairs, damage claims, rental payments, move-out charges, and such other issues relating to such housing units as the Secretary determines appropriate.

“(b) DISPUTE SUBMITTAL.—(1) Each landlord shall establish a process through which a tenant of a housing unit under this subchapter may submit a dispute directly to the landlord through an online or other form.

“(2) Not later than 24 hours after receiving a dispute submittal from a tenant under paragraph (1), the landlord shall—

“(A) notify the tenant that the submittal has been received; and

“(B) transmit a copy of such submittal to the housing management office of the installation in which the housing unit is located.

“(3)(A) Not later than seven days after receiving a dispute submittal from a tenant under paragraph (1), the landlord shall—

“(i) submit to the tenant a decision regarding the dispute; and

“(ii) transmit a copy of such decision to the housing management office.

“(B)(i) For purposes of conducting an assessment necessary to make a decision under subparagraph (A) with respect to a housing unit, the landlord may access the housing unit at a time and for a duration mutually agreed upon by the landlord and the tenant.

“(ii) The tenant may request that an employee of the housing management office be present when the landlord accesses the housing unit of the tenant under clause (i).

“(c) APPEALS.—(1) Not later than 30 days after a tenant receives a decision by a landlord under subsection (b)(3), the tenant may appeal that decision for review under subsection (d) by the commander of the military installation at which the housing unit is located.

“(2) Any appeal submitted under paragraph (1) shall be submitted—

“(A) on a standardized form; and

“(B) to an address designated by the commander for such purpose.

“(3) The Secretary shall ensure that, in preparing an appeal to the commander under this subsection, a tenant shall have access to advice and assistance from a military housing advocate employed by the military department concerned or a military legal assistance attorney under section 1044 of this title.

“(d) REVIEW PROCESS.—(1) The commander of each military installation with housing units under this subchapter shall establish a military privatized housing dispute resolution appeals process—

“(A) to review and decide appeals by tenants under subsection (c) relating to such housing units; and

“(B) to review and decide requests to withhold payments under section 2891a of this title

“(2)(A) Before making any decision with respect to an appeal or a request under the process established under paragraph (1) with respect to a housing unit, the commander shall certify that the commander has solicited recommendations or information relating to such appeal or request from the following:

“(i) The chief of the housing management office of the installation.

“(ii) A representative of the landlord for the housing unit.

“(iii) The tenant filing the appeal or request.

“(iv) A qualified judge advocate of the military department concerned.

“(v) The civil engineer for the installation.

“(3)(A) The commander shall make a decision with respect to an appeal or a request under the process established under paragraph (1) not later than 30 days after the appeal or request has been made.

“(B) A commander may take longer than the 30-day period set forth under subparagraph (A) to make a decision described in such subparagraph in limited circumstances as determined by the Secretary of Defense, but in no case shall such a decision be made more than 60 days after the appeal or request has been made.

“(4) Decisions by a commander under this subsection shall be final.

“(e) RULE OF CONSTRUCTION ON USE OF OTHER ADJUDICATIVE BODIES.—Nothing in this section or any other provision of law shall be construed to prohibit a tenant of a housing unit under this subchapter from pursuing a claim against a landlord in any adjudicative body with jurisdiction over the housing unit or the claim.

**“§ 2891a. Request to withhold payments**

“(a) IN GENERAL.—A member of the armed forces or family member of a member of the armed forces who is a tenant of a housing unit under this subchapter may submit to the commander of the installation of the De-

partment of Defense at which the member is stationed a request to withhold all or part of any basic allowance for housing payable to the member (including for any dependents of the member in the member's household) under section 403 of title 37, or all or part of any pay of a tenant subject to allotment as described in section 2882(c) of this title, for lease of the unit during the period in which—

“(1) the landlord responsible for such housing unit has not met maintenance guidelines and procedures established by the landlord or the Department of Defense, either through contract or otherwise; or

“(2) such housing unit is uninhabitable according to State and local law for the jurisdiction in which the housing unit is located.

“(b) PROCEDURES.—(1) Upon the filing of a request by a tenant under subsection (a)—

“(A) under such procedures as the Secretary of Defense shall establish, the Defense Finance and Accounting Service (DFAS) or such other appropriate office or offices of the Department of Defense as the Secretary shall specify for purposes of such procedures, shall tentatively grant the request and hold any amounts withheld in escrow with notice to the landlord; and

“(B) the housing management office of the installation in which the housing unit is located shall, not later than 15 days after the date on which the request was submitted to the commander of the installation, complete an investigation that includes an inspection conducted by housing inspectors that are certified at the State and local level.

“(2) If the commander agrees with a request by a tenant under subsection (a) with respect to a housing unit, the housing management office shall notify the landlord responsible for such unit of the issues described in subsection (a) that require remediation in accordance with the requirements of the Department of Defense or State or local law.

“(c) REMEDIATION.—In accordance with procedures established under subsection (b)(1)(A) for the withholding of any basic allowance for housing or other allotment pay under this section, if the landlord responsible for the housing unit does not remediate the issues described in subsection (a) within a reasonable period of time established by the commander of the installation for the remediation of the issues, the amount payable to the landlord for such unit shall be reduced by 10 percent for each period of five days during which the issues are not remediated.

“(d) DISCLOSURE OF RIGHTS.—(1) Each housing management office of an installation of the Department of Defense shall disclose in writing to each new tenant of a housing unit under this subchapter, upon the signing of the lease for the housing unit, their rights with respect to the housing unit and the procedures under this section for submitting a request to the landlord responsible for the housing unit.

“(2) The Secretary of Defense shall ensure that each lease entered into with a tenant for a housing unit under this subchapter clearly expresses in a separate addendum the procedures under this section for submitting a request to the landlord responsible for the housing unit.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new items:

“2891. Landlord-tenant dispute resolution process.

“2891a. Request to withhold payments.”.

(b) MODIFICATION OF DEFINITION OF MILITARY LEGAL ASSISTANCE.—Section 1044(d)(3)(B) of such title is amended by striking “and 1565b(a)(1)(A)” and inserting “1565b(a)(1)(A), and 2891(c)(3)”.

(c) **TIMING OF ESTABLISHMENT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall establish the dispute resolution process required under section 2891 of title 10, United States Code, as added by subsection (a).

(d) **AGREEMENT BY LANDLORDS.**—

(1) **IN GENERAL.**—Not later than February 1, 2020, the Secretary of Defense shall seek agreement from all landlords to participate in the dispute resolution process required under section 2891 of such title.

(2) **SUBMITTAL OF LIST TO CONGRESS.**—Not later than March 1, 2020, the Secretary shall submit to the congressional defense committees a list of all landlords who did not agree under paragraph (1) to participate in the dispute resolution process under section 2891 of such title.

(3) **CONSIDERATION OF LACK OF AGREEMENT IN FUTURE CONTRACTS.**—The Secretary shall include any lack of agreement under paragraph (1) as past performance considered under section 2888 of such title with respect to entering into or renewing any future contracts.

#### **SEC. 3032. SUSPENSION OF RESIDENT ENERGY CONSERVATION PROGRAM.**

(a) **IN GENERAL.**—The Secretary of Defense shall suspend the initiative of the Department of Defense known as the “Resident Energy Conservation Program” and instruct the Secretary of each military department to suspend any program carried out by such Secretary that measures the energy usage for each military housing unit on an installation of the Department of Defense.

(b) **TERM OF SUSPENSION.**—The suspension under subsection (a) shall remain in effect until the Secretary of Defense certifies to the congressional defense committees that—

(1) 100 percent of military housing on an installation of the Department of Defense is individually metered; and

(2) energy audits conducted by an independent entity, or entities, confirm that such housing is individually metered.

(c) **TERMINATION.**—If the Secretary of Defense is unable to make the certification under subsection (b), each program described in subsection (a) shall be terminated on the date that is two years after the date of the enactment of this Act.

#### **SEC. 3033. ACCESS BY TENANTS TO HISTORICAL MAINTENANCE INFORMATION FOR PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—Subchapter IV of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

##### **“§ 2892. Access by tenants to historical maintenance information**

“The Secretary shall require each landlord that provides housing under this subchapter at an installation of the Department of Defense to provide a prospective tenant of such housing, before the tenant moves in, all information regarding maintenance conducted with respect to that housing unit for the previous 10 years.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2891 the following new item:

“2892. Access by tenants to historical maintenance information.”.

#### **SEC. 3034. PROHIBITION ON USE OF CALL CENTERS OUTSIDE THE UNITED STATES FOR MAINTENANCE CALLS BY TENANTS OF PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2886 the following new section:

##### **“§ 2886a. Prohibiting use of call centers outside the United States for tenant maintenance calls**

“A landlord responsible for a housing unit under this subchapter may not use a call center outside the United States for any call from a tenant relating to maintenance with respect to the housing unit.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2886 the following new item:

“2886a. Prohibiting use of call centers outside the United States for tenant maintenance calls.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

#### **SEC. 3035. RADON TESTING FOR PRIVATIZED MILITARY HOUSING.**

(a) **REPORT.**—Not later than March 1, 2020, the Secretary of Defense shall submit to the congressional defense committees a report identifying the installations of the Department of Defense that have privatized military housing that should be monitored for radon.

(b) **INITIAL TESTING.**—

(1) **PROCEDURES.**—The Secretary shall establish testing procedures for all privatized military housing at installations identified under subsection (a), whether through regular testing of such housing or the installation of monitoring equipment, to ensure radon levels are below recommended levels established by the Environmental Protection Agency.

(2) **COMPLETION OF TESTING.**—Not later than June 1, 2020, the Secretary shall complete testing described in paragraph (1) for all privatized military housing identified under subsection (a).

(c) **NOTIFICATION REGARDING MITIGATION DEVICE.**—In the event that a privatized military housing unit is determined under testing under subsection (b)(2) to need a radon mitigation device, the Secretary shall notify the landlord of such unit not later than seven days after such determination.

(d) **ANNUAL TESTING.**—Not less frequently than annually, the Secretary of each military department shall certify to the congressional defense committees that radon testing is being conducted for privatized military housing at installations identified under subsection (a) under the jurisdiction of the Secretary concerned, whether through regular testing of such housing or the installation of monitoring equipment.

#### **SEC. 3036. EXPANSION OF WINDOWS COVERED BY REQUIREMENT TO USE WINDOW FALL PREVENTION DEVICES IN PRIVATIZED MILITARY HOUSING.**

Section 2879(c) of title 10, United States Code, is amended by striking “24 inches” and inserting “42 inches”.

#### **SEC. 3037. REQUIREMENTS RELATING TO MOVE OUT AND MAINTENANCE WITH RESPECT TO PRIVATIZED MILITARY HOUSING.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of each military department, shall—

(1) develop a uniform move-out checklist for tenants of privatized military housing throughout the Department of Defense to assist the oversight of such housing by the housing management office of the installation at which such housing is located;

(2) develop a uniform checklist throughout the Department for the validation by the housing management office of the completion of all maintenance work related to health and safety issues at privatized military housing; and

(3) require that all maintenance issues and work orders related to health and safety issues at privatized military housing be reported to the commander of the installation at which the housing is located.

#### **Subtitle C—Long-Term Quality Assurance**

#### **SEC. 3041. DEVELOPMENT OF STANDARDIZED DOCUMENTATION, TEMPLATES, AND FORMS FOR PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—The Secretary of Defense, in coordination with the Secretary of each military department, shall develop throughout the Department of Defense standardized documentation, templates, and forms for privatized military housing.

(b) **INITIAL GUIDANCE.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall issue guidance to develop the following:

(1) Policies and standard operating procedures of the Department for privatized military housing.

(2) A universal lease agreement for privatized military housing that includes—

(A) the Tenant Bill of Rights under section 2887 of title 10, United States Code; and

(B) any addendum required by the law of the State in which the housing unit is located.

(3) A standardized operating agreement for landlords.

(c) **MILITARY DEPARTMENT PLANS.**—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation of this section by that military department.

#### **SEC. 3042. COUNCIL ON PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—The Assistant Secretary concerned shall establish a council (in this section referred to as the “Council”) to identify and resolve problems with privatized military housing at installations of the Department of Defense under the jurisdiction of the Assistant Secretary concerned.

(b) **MEMBERS.**—

(1) **IN GENERAL.**—Each Council shall be comprised of the Assistant Secretary concerned and the following members selected by the Assistant Secretary concerned:

(A) Not fewer than two civil engineers employed at an installation under the jurisdiction of the Assistant Secretary concerned.

(B) Not fewer than two chiefs of a housing management office at such an installation.

(C) Not fewer than two commanders of such an installation.

(2) **LIMITATION.**—In each Council, not more than two members may be from the same installation.

(3) **TERMS.**—

(A) **TWO YEARS.**—The term for a member of the Council, other than the Assistant Secretary concerned, shall be two years.

(B) **LIMITATION ON TERMS.**—A member of the Council, other than the Assistant Secretary concerned, may serve not more than two terms.

(c) **DUTIES.**—Each Council shall review, at a minimum, the following:

(1) Systemic concerns from tenants relating to privatized military housing under the jurisdiction of the Assistant Secretary concerned.

(2) Best practices for housing management offices at installations under the jurisdiction of the Assistant Secretary concerned.

(3) Best practices for handling installation-wide maintenance issues.

(d) **MEETINGS.**—Each Council shall meet not less frequently than quarterly.

(e) **REPORT.**—Not later than 60 days after the first meeting of the Council, and not later than October 1 of each year thereafter, the Council shall submit to the Secretary of

Defense a report on the findings of the Council during the period covered by the report.

(f) **ASSISTANT SECRETARY CONCERNED.**—The term “Assistant Secretary concerned” means—

(1) with respect to the Army, the Assistant Secretary of the Army for Energy, Installations, and Environment;

(2) with respect to the Navy, the Marine Corps, and the Coast Guard when it is operating as a service in the Department of the Navy, the Assistant Secretary of the Navy for Energy, Installations, and Environment; and

(3) with respect to the Air Force, the Assistant Secretary of the Air Force for Energy, Installations, and Environment.

**SEC. 3043. REQUIREMENTS RELATING TO MANAGEMENT OF PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872b the following new section:

**“§ 2872c. Requirements relating to management of housing**

“(a) **IN GENERAL.**—The Secretary of Defense shall ensure that the operating agreement for each installation of the Department of Defense at which on-base housing is managed by a landlord under this subchapter includes the requirements set forth in this section relating to such housing.

“(b) **REQUIREMENTS FOR INSTALLATION COMMANDERS.**—The commander of each installation described in subsection (a) shall do the following:

“(1) On an annual basis, review and approve the mold mitigation plan and pest control plan of each landlord at such installation.

“(2) Use the assigned bio-environmental personnel or contractor equivalent at such installation to test for mold, unsafe water conditions, and other health and safety conditions if requested by the head of the housing management office of such installation.

“(c) **REQUIREMENTS FOR HOUSING MANAGEMENT OFFICE.**—The head of the housing management office of each installation described in subsection (a) shall, with respect to housing units under this subchapter, do the following:

“(1) Conduct physical inspections and approve the habitability of each vacant housing unit before the landlord offers the unit available for occupancy.

“(2) Conduct physical inspections upon tenant move out and receive copies of any move out charges that a landlord seeks to collect from an outgoing tenant.

“(3) Establish contact with a tenant regarding the satisfaction of the tenant with the housing unit not later than—

“(A) 15 days after move-in; and

“(B) 60 days after move-in.

“(4) Maintain all test results relating to the health, environmental, and safety condition of a housing unit and the results of any official housing inspection for the life of the contract relating to that housing unit.

“(d) **REQUIREMENTS FOR LANDLORDS.**—The landlord of any housing unit under this subchapter at an installation described in subsection (a) shall do the following:

“(1) Disclose to the Secretary of Defense bonus structures for community managers and regional executives and bonus structures relating to maintenance to minimize the impact of those incentives on the operating budget of the installation.

“(2) With respect to test results relating to the health and safety condition of the housing unit—

“(A) not later than three days after receiving those results, share those results with the tenant of such unit and submit those re-

sults to the head of the housing management office for the installation; and

“(B) include with any environmental hazard test results a simple guide explaining those results, preferably citing standards set forth by the Federal Government relating to environmental hazards.

“(3) Conduct a walkthrough inspection before a prospective tenant signs a lease—

“(A) with the prospective tenant; or

“(B) if the prospective tenant is not able to be present for the inspection, with an official of the housing management office designated by the prospective tenant to conduct the inspection on their behalf.

“(4) In the event that the housing unit does not meet minimum health, safety, and welfare standards set forth in Federal, State, and local law after inspection under subsection (c)(1), the landlord shall remediate any issues and make any appropriate repairs prior to another inspection by the housing management office under such subsection.

“(5) Not conduct any promotional events to incentivize tenants to fill out maintenance comment cards or satisfaction surveys of any kind without the approval of the chief of the housing management office.

“(6) Not award an installation of the Department or an officer or employee of the Department a ‘Partner of the Year’ award or similar award.

“(7) Not have a tenant agree to any form of settlement, nondisclosure, or release of liability without—

“(A) first notifying the tenant of their right to assistance from the legal assistance office at the installation; and

“(B) not later than five days before agreeing to any such settlement, nondisclosure, or release of liability, providing a copy of such agreement to the Assistant Secretary of Defense for Sustainment;

“(8) Not change the position of a prospective tenant on a waiting list for a housing unit or remove a prospective tenant from the waiting list if the prospective tenant turns down an offer for a housing unit determined unsatisfactory by the prospective tenant and confirmed by the housing management office and the commander of the installation.

“(9) Allow, with permission of the tenant as appropriate, employees of the housing management office and other officers and employees of the Department to conduct physical inspections of common grounds and individual quarters of the housing unit.

“(10) Agree to a mechanism under which all or part of basic allowance for housing payable to the tenant (including for any dependents of the tenant in the tenant’s household) under section 403 of title 37, or all or part of any other allotment of pay under section 2882(c) of this title can be held in escrow until—

“(A) any dispute between the tenant and the landlord is resolved; and

“(B) the commander of the installation has reviewed and decided such dispute.

“(11) Ensure that the needs of enrollees in the Exceptional Family Member Program, or any successor program, are considered in assigning prospective tenants to housing units.

“(12) Keep any maintenance work order system up to date with the latest software, functionality, and features.

“(13) Have any agreements or forms to be used by the landlord approved by the Assistant Secretary of Defense for Sustainment, including the following:

“(A) A common lease agreement.

“(B) Any disclosure or nondisclosure forms that could be given to a tenant.

“(C) Any notices required to be provided to the tenant under the Tenant Bill of Rights under section 2887 of this title.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such subchapter

is amended by inserting after the item relating to section 2872b the following new item:

“2872c. Requirements relating to management of housing.”

(c) **MILITARY DEPARTMENT PLANS.**—Not later than February 1, 2020, the Secretary of each military department shall submit to the congressional defense committees a plan for the implementation by that military department of section 2872c of title 10, United States Code, as added by subsection (a).

**SEC. 3044. REQUIREMENTS RELATING TO CONTRACTS FOR PRIVATIZED MILITARY HOUSING.**

(a) **IN GENERAL.**—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2872c the following new section:

**“§ 2872d. Requirements relating to contracts for provision of housing**

“(a) **IN GENERAL.**—The Secretary of each military department shall include in any contract for a term of more than 10 years with a landlord for the provision of housing under this subchapter at an installation under the jurisdiction of the Secretary concerned the following:

“(1) The Secretary concerned may renegotiate the contract with the landlord not less frequently than once every five years.

“(2) The landlord shall prohibit any employee of the landlord who commits work order fraud under the contract, as determined by the Secretary concerned, from doing any work under the contract.

“(3) If the landlord fails to or is unable to remedy any health or environmental hazard at a housing unit under the contract, such failure or inability will be taken into consideration in determining whether to pay or withhold all or part of any incentive fees for which the landlord may be eligible under the contract.

“(4) If the landlord is found by the Secretary concerned to have not maintained the minimum standards of habitability for a housing unit under such contract, the landlord shall pay all medical bills for a tenant of such housing unit that are associated with the conditions of such housing unit that do not meet such minimum standards.

“(5) The landlord shall pay reasonable relocation costs associated with the permanent relocation of a tenant from a housing unit of the landlord to new housing due to health or environmental hazards—

“(A) present in the housing unit being vacated through no fault of the tenant; and

“(B) confirmed by the housing management office of the installation as making the unit uninhabitable.

“(6) The landlord shall pay reasonable relocation costs and actual costs of living, including per diem, associated with the temporary relocation of a tenant to new housing due to health or environmental hazards—

“(A) present in the housing unit being vacated through no fault of the tenant; and

“(B) confirmed by the housing management office of the installation as making the unit uninhabitable.

“(7) The landlord shall ensure that the maintenance work order system of the landlord (hardware and software) is up to date, including by—

“(A) providing a reliable mechanism through which a tenant may submit work order requests through an Internet portal and mobile application, which shall incorporate the ability to upload photos, communicate with maintenance personnel, and rate individual service calls;

“(B) allowing real-time access to such system by officials of the Department at the installation, major subordinate command, and service-wide levels; and



“(C) allowing the work order or maintenance ticket to be closed only once the tenant and the head of the housing management office of the installation sign off.

“(b) PAYMENT OF ACTUAL COSTS OF LIVING.—The landlord shall pay actual costs of living under subsection (a)(6) in connection with a health or environmental hazard until such time as—

“(1)(A) the health or environmental hazard is remediated;

“(B) the housing unit being vacated is determined to be habitable by the tenant, the housing management office of the installation, and chain of command; and

“(C) the tenant resumes occupancy of the housing unit; or

“(2) the tenant moves to a new housing unit.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2872c the following new item: “2872d. Requirements relating to contracts for provision of housing.”.

(c) EFFECTIVE DATE.—Section 2872d of such title, as added by subsection (a), shall apply to contracts entered into or renewed on and after the date of the enactment of this Act.

**SEC. 3045. WITHHOLDING OF INCENTIVE FEES FOR LANDLORDS OF PRIVATIZED MILITARY HOUSING FOR FAILURE TO REMEDY A HEALTH OR ENVIRONMENTAL HAZARD.**

(a) IN GENERAL.—Subchapter IV of chapter 169 of title 10, United States Code, is amended by inserting after section 2874b the following new section:

**“§2874c. Withholding of incentive fees for landlords**

“The Secretary of Defense shall withhold incentive fees paid to a landlord for failure by the landlord to remedy a health or environmental hazard at a housing unit under this subchapter, as determined by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by inserting after the item relating to section 2874b the following new item: “2874c. Withholding of incentive fees for landlords.”.

**SEC. 3046. EXPANSION OF DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS TO INCLUDE DIRECT HIRE AUTHORITY FOR INSTALLATION MILITARY HOUSING OFFICE PERSONNEL.**

(a) IN GENERAL.—Section 559 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1406; 10 U.S.C. 1792 note) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting “, and individuals to fill vacancies in installation military housing offices,” after “childcare services providers”;

(B) in paragraph (1), by inserting “or for employees at installation military housing offices” before the semicolon; and

(C) in paragraph (2), by inserting “or for installation military housing office employees” before the period;

(2) by redesignating subsection (f) as subsection (g); and

(3) by inserting after subsection (e) the following new subsection (f):

“(f) INSTALLATION MILITARY HOUSING OFFICE DEFINED.—The term ‘installation military housing office’ means any office whose primary function is performing day-to-day supervision of military housing covered by subchapter IV of chapter 169 of title 10, United States Code.”.

(b) HEADING AND TECHNICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“SEC. 599. DIRECT HIRE AUTHORITY FOR DEPARTMENT OF DEFENSE FOR CHILDCARE SERVICES PROVIDERS FOR DEPARTMENT CHILD DEVELOPMENT CENTERS AND INSTALLATION MILITARY HOUSING OFFICES.”.**

(2) TECHNICAL AMENDMENT.—Subsection (d) of such section is amended by striking “Oversight and Government Reform” and inserting “Oversight and Reform”.

(c) USE OF EXISTING REGULATIONS.—The Secretary of Defense shall use the authority in section 599 of the National Defense Authorization Act for Fiscal Year 2018 granted by the amendments made by this section in a manner consistent with the regulations prescribed for purposes of such section 599 pursuant to subsection (b) of such section 599, without the need to prescribe separate regulations for the use of such authority.

**SEC. 3047. PLAN ON ESTABLISHMENT OF DEPARTMENT OF DEFENSE JURISDICTION OVER OFF-BASE PRIVATIZED MILITARY HOUSING.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of each military department, shall submit to the congressional defense committees a plan to establish jurisdiction by the Department of Defense, concurrently with local community law enforcement, at locations with privatized military housing that is not located on an installation of the Department of Defense.

**Subtitle D—Other Housing Matters**

**SEC. 3051. LEAD-BASED PAINT TESTING AND REPORTING.**

(a) ESTABLISHMENT OF DEPARTMENT OF DEFENSE POLICY ON LEAD TESTING ON MILITARY INSTALLATIONS.—

(1) IN GENERAL.—Not later than February 1, 2020, the Secretary of Defense shall establish a policy under which—

(A) a qualified individual may access a military installation for the purpose of conducting lead testing on the installation, subject to the approval of the Secretary; and

(B) the results of any lead testing conducted on a military installation shall be transmitted—

(i) in the case of a military installation located inside the United States, to—

(I) the civil engineer of the installation;

(II) the housing management office of the installation;

(III) the major subordinate command of the Armed Force with jurisdiction over the installation; and

(IV) if required by law, any relevant Federal, State, and local agencies; and

(ii) in the case of a military installation located outside the United States, to the civil engineer or commander of the installation who shall transmit those results to the major subordinate command of the Armed Force with jurisdiction over the installation.

(2) DEFINITIONS.—In this subsection:

(A) UNITED STATES.—The term “United States” has the meaning given such term in section 101(a)(1) of title 10, United States Code.

(B) QUALIFIED INDIVIDUAL.—The term “qualified individual” means an individual who is certified by the Environmental Protection Agency or by a State as—

(i) a lead-based paint inspector; or

(ii) a lead-based paint risk assessor.

(b) ANNUAL REPORTING ON LEAD-BASED PAINT IN MILITARY HOUSING.—

(1) IN GENERAL.—Subchapter III of chapter 169 of title 10, United States Code, is amended by adding at the end the following new section:

**“§2869a. Annual reporting on lead-based paint in military housing**

“(a) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not later than February 1 of each year, the Secretary of Defense shall submit to the congressional defense committees a report that sets forth, with respect to military housing under the jurisdiction of each Secretary of a military department for the calendar year preceding the year in which the report is submitted, the following:

“(A) A certification that indicates whether the military housing under the jurisdiction of the Secretary concerned is in compliance with the requirements respecting lead-based paint, lead-based paint activities, and lead-based paint hazards described in section 408 of the Toxic Substances Control Act (15 U.S.C. 2688).

“(B) A detailed summary of the data, disaggregated by military department, used in making the certification under subparagraph (A).

“(C) The total number of military housing units under the jurisdiction of the Secretary concerned that were inspected for lead-based paint in accordance with the requirements described in subparagraph (A).

“(D) The total number of military housing units under the jurisdiction of the Secretary concerned that were not inspected for lead-based paint.

“(E) The total number of military housing units that were found to contain lead-based paint in the course of the inspections described in subparagraph (C).

“(F) A description of any abatement efforts with respect to lead-based paint conducted regarding the military housing units described in subparagraph (E).

“(2) PUBLICATION.—The Secretary of Defense shall publish each report submitted under paragraph (1) on a publicly available website of the Department of Defense.

“(b) MILITARY HOUSING DEFINED.—In this section, the term ‘military housing’ includes military family housing and military unaccompanied housing (as such term is defined in section 2871 of this title).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such subchapter is amended by adding at the end the following new item:

“2869a. Annual reporting on lead-based paint in military housing.”.

**SEC. 3052. SATISFACTION SURVEY FOR TENANTS OF MILITARY HOUSING.**

(a) IN GENERAL.—Not later than March 1, 2020, the Secretary of Defense shall require that each installation of the Department of Defense use the same satisfaction survey for tenants of military housing, which shall be an electronic survey with embedded privacy and security mechanisms.

(b) PRIVACY AND SECURITY MECHANISMS.—The privacy and security mechanisms used under subsection (a)—

(1) may include a code unique to the tenant to be surveyed that is sent to the cell phone number of the tenant and required to be entered to access the survey; and

(2) in the case of housing under subchapter IV of chapter 169 of title 10, United States Code, shall ensure that the survey is not shared with the landlord of the housing unit until the survey is reviewed and the results are tallied by an employee of the Department of Defense.

**SEC. 3053. INFORMATION ON LEGAL SERVICES PROVIDED TO MEMBERS OF THE ARMED FORCES HARMED BY HEALTH OR ENVIRONMENTAL HAZARDS AT MILITARY HOUSING.**

(a) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report on the legal services that the Secretary may provide to members of the Armed Forces who have been harmed by a health or environmental hazard while living in military housing.

(b) AVAILABILITY OF INFORMATION.—The Secretary of the military department concerned shall make the information contained in the report submitted under subsection (a) available to members of the Armed Forces at all installations of the Department of Defense in the United States.

**SEC. 3054. MITIGATION OF RISKS POSED BY CERTAIN ITEMS IN MILITARY FAMILY HOUSING UNITS.**

(a) ANCHORING OF ITEMS BY RESIDENTS.—The Secretary of Defense shall allow a resident of a military family housing unit to anchor any furniture, television, or large appliance to the wall of the unit for purposes of preventing such item from tipping over without incurring a penalty or obligation to repair the wall upon vacating the unit.

(b) ANCHORING OF ITEMS FOR ALL UNITS.—

(1) EXISTING UNITS.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit under the jurisdiction of the Department as of the date of the enactment of this Act.

(2) NEW UNITS.—The Secretary of Defense shall ensure that all freestanding chests, door chests, armoires, dressers, entertainment centers, bookcases taller than 27 inches, televisions, and large appliances provided by the Department of Defense are securely anchored in each furnished military family housing unit made available after the date of the enactment of this Act.

**SEC. 3055. TECHNICAL CORRECTION TO CERTAIN PAYMENTS FOR LESSORS OF PRIVATIZED MILITARY HOUSING.**

Paragraph (3) of section 606(d) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 10 U.S.C. 2871 note) is amended to read as follows:

“(3) The term ‘MHPI housing’ means housing procured, acquired, constructed, or for which any phase or portion of a project agreement was first finalized and signed, under the alternative authority of subchapter IV of chapter 169 of title 10, United States Code (known as the Military Housing Privatization Initiative), on or before September 30, 2014.”.

**SEC. 3056. PILOT PROGRAM TO BUILD AND MONITOR USE OF SINGLE FAMILY HOMES.**

(a) IN GENERAL.—The Secretary of the Army shall carry out a pilot program to build and monitor the use of not fewer than 5 single family homes for members of the Army and their families.

(b) LOCATION.—The Secretary of the Army shall carry out the pilot program at an installation of the Army as determined by the Secretary.

(c) DESIGN.—In building homes under the pilot program, the Secretary of the Army shall use the All-American Abode design from the suburban single-family division design by the United States Military Academy.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary of the Army \$1,000,000 to carry out the pilot program under this section.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

**TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**

**Subtitle A—National Security Programs and Authorizations**

**SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appro-

priated to the Department of Energy for fiscal year 2020 for the activities of the National Nuclear Security Administration in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out new plant projects for the National Nuclear Security Administration as follows:

Project 20-D-931, KL Fuel Development Laboratory, Knolls Atomic Power Laboratory, Schenectady, New York, \$23,700,000.

General Purpose Project, PF-4 Power and Communications Systems Upgrade, Los Alamos National Laboratory, New Mexico, \$16,000,000.

**SEC. 3102. DEFENSE ENVIRONMENTAL CLEANUP.**

(a) AUTHORIZATION OF APPROPRIATIONS.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for defense environmental cleanup activities in carrying out programs as specified in the funding table in section 4701.

(b) AUTHORIZATION OF NEW PLANT PROJECTS.—From funds referred to in subsection (a) that are available for carrying out plant projects, the Secretary of Energy may carry out, for defense environmental cleanup activities, the following new plant projects:

Project 20-D-401, Saltstone Disposal Units numbers 10, 11, and 12, Savannah River Site, Aiken, South Carolina, \$1,000,000.

Project 20-D-402, Advanced Manufacturing Collaborative, Savannah River Site, Aiken, South Carolina, \$50,000,000.

Project 20-U-401, On-Site Waste Disposal Facility (Cell Lines 2 and 3), Portsmouth Site, Pike County, Ohio, \$10,000,000.

**SEC. 3103. OTHER DEFENSE ACTIVITIES.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for other defense activities in carrying out programs as specified in the funding table in section 4701.

**SEC. 3104. NUCLEAR ENERGY.**

Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2020 for nuclear energy as specified in the funding table in section 4701.

**Subtitle B—Program Authorizations, Restrictions, and Limitations**

**SEC. 3111. TECHNICAL CORRECTIONS TO NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT AND ATOMIC ENERGY DEFENSE ACT.**

(a) DEFINITIONS IN NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.—Section 3281(2)(A) of the National Nuclear Security Administration Act (50 U.S.C. 2471(2)(A)) is amended by striking “Plant” and inserting “National Security Campus”.

(b) AMENDMENTS TO ATOMIC ENERGY DEFENSE ACT.—

(1) DEFINITIONS.—Section 4002(9)(A) of the Atomic Energy Defense Act (50 U.S.C. 2501(9)(A)) is amended striking “Plant” and inserting “National Security Campus”.

(2) STOCKPILE STEWARDSHIP, MANAGEMENT, AND RESPONSIVENESS PLAN.—Section 4203 of the Atomic Energy Defense Act (50 U.S.C. 2523) is amended—

(A) in subsection (d)(4)(A)(ii), by striking “quadrennial defense review if such strategy has not been submitted” and inserting “national defense strategy”;

(B) in subsection (e)(1)(A)(i), by striking “or the most recent quadrennial defense review, as applicable under subsection (d)(4)(A), and the” and inserting “referred to in subsection (d)(4)(A)(i), the most recent the national defense strategy, and the most recent”;

(C) in subsection (f)—

(i) by striking paragraph (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting after paragraph (2) the following new paragraph (3):

“(3) The term ‘national defense strategy’ means the review of the defense programs and policies of the United States that is carried out every four years under section 113(g) of title 10, United States Code.”.

(3) MANUFACTURING INFRASTRUCTURE FOR NUCLEAR WEAPONS STOCKPILE.—Section 4212 of the Atomic Energy Defense Act (50 U.S.C. 2532) is amended—

(A) in subsection (a)(1), in the matter preceding subparagraph (A), by inserting “most recent” before “Nuclear Posture Review”; and

(B) in subsection (b)—

(i) in paragraph (2), by striking “Plant” and inserting “National Security Complex”; and

(ii) in paragraph (4), by striking “Plant” and inserting “National Security Campus, Kansas City, Missouri”.

(4) REPORTS ON LIFE EXTENSION PROGRAMS.—

(A) IN GENERAL.—Section 4216 of the Atomic Energy Defense Act (50 U.S.C. 2536) is amended—

(i) in the section heading, by striking “LIFETIME” and inserting “LIFE”; and

(ii) by striking “lifetime” each place it appears and inserting “life”.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4216 and inserting the following new item:

“Sec. 4216. Reports on life extension programs.”.

(5) ADVICE ON SAFETY, SECURITY, AND RELIABILITY OF NUCLEAR WEAPONS STOCKPILE.—Section 4218 of the Atomic Energy Defense Act (50 U.S.C. 2538) is amended—

(A) in subsection (d), by striking “or the Commander of the United States Strategic Command”; and

(B) in subsection (e)(1)—

(i) by striking “, a member of” and all that follows through “Strategic Command” and inserting “or a member of the Nuclear Weapons Council”; and

(ii) by striking “, member, or Commander” and inserting “or member”.

(6) LIFE-CYCLE COST ESTIMATES.—Section 4714(a) of the Atomic Energy Defense Act (50 U.S.C. 2754(a)) is amended—

(A) by striking “413.3” and inserting “413.3B”; and

(B) by inserting “, or a successor order,” after “assets”.

(7) UNFUNDED PRIORITIES.—

(A) IN GENERAL.—Section 4716 of the Atomic Energy Defense Act (50 U.S.C. 2756) is amended in the section heading by striking “NATIONAL NUCLEAR SECURITY ADMINISTRATION” and inserting “ADMINISTRATION”.

(B) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by striking the item relating to section 4716 and inserting the following new item:

“Sec. 4716. Unfunded priorities of the Administration.”.

(8) REVIEWS OF CAPITAL ASSETS ACQUISITION PROJECTS.—Section 4733(d)(3)(B) of the Atomic Energy Defense Act (50 U.S.C. 2773(d)(3)(B)) is amended by striking “413.3” and inserting “413.3B”.

**SEC. 3112. NATIONAL NUCLEAR SECURITY ADMINISTRATION PERSONNEL SYSTEM.**

(a) IN GENERAL.—Subtitle C of the National Nuclear Security Administration Act (50 U.S.C. 2441 et seq.) is amended by adding at the end the following new section:

**“SEC. 3248. ALTERNATIVE PERSONNEL SYSTEM.**

“(a) IN GENERAL.—The Administrator may adapt the pay banding and performance-based pay adjustment demonstration project carried out by the Administration under the authority provided by section 4703 of title 5, United States Code, into a permanent alternative personnel system for the Administration (to be known as the ‘National Nuclear Security Administration Personnel System’) and implement that system with respect to employees of the Administration.

“(b) MODIFICATIONS.—In adapting the demonstration project described in subsection (a) into a permanent alternative personnel system, the Administrator—

“(1) may, subject to paragraph (2), revise the requirements and limitations of the demonstration project to the extent necessary; and

“(2) shall—

“(A) ensure that the permanent alternative personnel system is carried out in a manner consistent with the final plan for the demonstration project published in the Federal Register on December 21, 2007 (72 Fed. Reg. 72776);

“(B) ensure that significant changes in the system not take effect until revisions to the plan for the demonstration project are approved by the Office of Personnel Management and published in the Federal Register;

“(C) ensure that procedural modifications or clarifications to the final plan for the demonstration project be made through local notification processes;

“(D) authorize, and establish incentives for, employees of the Administration to have rotational assignments among different programs of the Administration, the headquarters and field offices of the Administration, and the management and operating contractors of the Administration; and

“(E) establish requirements for employees of the Administration who are in the permanent alternative personnel system described in subsection (a) to be promoted to senior-level positions in the Administration, including requirements with respect to—

“(i) professional training and continuing education; and

“(ii) a certain number and types of rotational assignments under subparagraph (D), as determined by the Administrator.

“(c) APPLICATION TO NAVAL NUCLEAR PROPULSION PROGRAM.—The Director of the Naval Nuclear Propulsion Program established pursuant to section 4101 of the Atomic Energy Defense Act (50 U.S.C. 2511) and section 3216 of this Act may, with the concurrence of the Secretary of the Navy, apply the alternative personnel system under subsection (a) to—

“(1) all employees of the Naval Nuclear Propulsion Program in the competitive service (as defined in section 2102 of title 5, United States Code); and

“(2) all employees of the Department of Navy who are assigned to the Naval Nuclear Propulsion Program and are in the excepted service (as defined in section 2103 of title 5, United States Code) (other than such employees in statutory excepted service systems).”.

(b) BRIEFING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator for Nuclear Security shall provide a briefing to the appropriate congressional committees on the implementation of section 3248 of the National Nuclear Security Administration Act, as added by subsection (a).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional defense committees;

(B) the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(C) the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

(c) CONFORMING AMENDMENTS.—Section 3116 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1888; 50 U.S.C. 2441 note prec) is amended—

(1) by striking subsections (a) and (d); and

(2) by redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(d) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by inserting after the item relating to section 3247 the following new item:

“Sec. 3248. Alternative personnel system.”.

**SEC. 3113. CONTRACTING, PROGRAM MANAGEMENT, SCIENTIFIC, ENGINEERING, AND TECHNICAL POSITIONS AT NATIONAL NUCLEAR SECURITY ADMINISTRATION.**

(a) IN GENERAL.—Section 3241 of the National Nuclear Security Administration Act (50 U.S.C. 2441) is amended in the first sentence—

(1) by striking “may” and inserting “shall”; and

(2) by striking “not more than 600”.

(b) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in the section heading, by striking “AUTHORITY TO ESTABLISH” and inserting “ESTABLISHMENT OF”; and

(2) in the second sentence, by striking “Subject to the limitations in the preceding sentence, the authority” and inserting “The authority”.

(c) CLERICAL AMENDMENT.—The table of contents for the National Nuclear Security Administration Act is amended by striking the item relating to section 3241 and inserting the following new item:

“Sec. 3241. Establishment of contracting, program management, scientific, engineering, and technical positions.”.

**SEC. 3114. PROHIBITION ON USE OF LABORATORY-DIRECTED RESEARCH AND DEVELOPMENT FUNDS FOR GENERAL AND ADMINISTRATIVE OVERHEAD COSTS.**

Section 4811 of the Atomic Energy Defense Act (50 U.S.C. 2791) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) Funds provided to a national security laboratory or nuclear weapons production facility for laboratory-directed research and development may not be used to cover the costs of general and administrative overhead for the laboratory or facility.”.

**SEC. 3115. PROHIBITION ON USE OF FUNDS FOR ADVANCED NAVAL NUCLEAR FUEL SYSTEM BASED ON LOW-ENRICHED URANIUM.**

None of the funds authorized to be appropriated for the National Nuclear Security Administration for fiscal year 2020 or any fiscal year thereafter may be obligated or expended to conduct research and development of an advanced naval nuclear fuel system based on low-enriched uranium until the following certifications are submitted to the congressional defense committees:

(1) A joint certification of the Secretary of Energy and the Secretary of Defense that the determination made by the Secretary of Energy and the Secretary of the Navy pursuant to section 3118(c)(1) of the National De-

fense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. 1196) and submitted to the congressional defense committees on March 25, 2018, that the United States should not pursue such research and development, no longer reflects the policy of the United States.

(2) A certification of the Secretary of the Navy that an advanced naval nuclear fuel system based on low-enriched uranium would not reduce vessel capability, increase expense, or reduce operational availability as a result of refueling requirements.

**Subtitle C—Plans and Reports****SEC. 3121. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.**

(a) IN GENERAL.—Subtitle A of title XLIV of the Atomic Energy Defense Act (50 U.S.C. 2581 et seq.) is amended by adding at the end the following section:

**“SEC. 4409. ESTIMATION OF COSTS OF MEETING DEFENSE ENVIRONMENTAL CLEANUP MILESTONES REQUIRED BY CONSENT ORDERS.**

“The Secretary of Energy shall include in the budget justification materials submitted to Congress in support of the Department of Energy budget for each fiscal year (as submitted with the budget of the President under section 1105(a) of title 31, United States Code) a report on the cost of meeting milestones required by a consent order at each defense nuclear facility at which defense environmental cleanup activities are occurring. The report shall include, for each such facility—

“(1) a specification of the cost of meeting such milestones during that fiscal year; and

“(2) an estimate of the cost of meeting such milestones during the four fiscal years following that fiscal year.”.

(b) CLERICAL AMENDMENT.—The table of contents for the Atomic Energy Defense Act is amended by inserting after the item relating to section 4408 the following new item:

“Sec. 4409. Estimation of costs of meeting defense environmental cleanup milestones required by consent orders.”.

**SEC. 3122. EXTENSION OF SUSPENSION OF CERTAIN ASSESSMENTS RELATING TO NUCLEAR WEAPONS STOCKPILE.**

Section 3255(b) of the National Nuclear Security Administration Act (50 U.S.C. 2455(b)) is amended by striking “fiscal year 2018 or 2019” and inserting “any of fiscal years 2018 through 2023”.

**SEC. 3123. REPEAL OF REQUIREMENT FOR REVIEW RELATING TO ENHANCED PROCUREMENT AUTHORITY.**

Section 4806 of the Atomic Energy Defense Act (50 U.S.C. 2786) is amended—

(1) by striking subsection (e); and

(2) by redesignating subsections (f) and (g) as subsections (e) and (f), respectively.

**SEC. 3124. DETERMINATION OF EFFECT OF TREATY OBLIGATIONS WITH RESPECT TO PRODUCING TRITIUM.**

Not later than February 15, 2020, the Secretary of Energy shall—

(1) determine whether the Agreement for Cooperation on the Uses of Atomic Energy for Mutual Defense Purposes, signed at Washington July 3, 1958 (9 UST 1028), between the United States and the United Kingdom, permits the United States to obtain low-enriched uranium for the purposes of producing tritium in the United States; and

(2) submit to the congressional defense committees a report on that determination.

**SEC. 3125. ASSESSMENT OF HIGH ENERGY DENSITY PHYSICS.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act,

the Administrator for Nuclear Security shall enter into an arrangement with the National Academies of Sciences, Engineering, and Medicine to conduct an assessment of recent advances and the current status of research in the field of high energy density physics.

(b) **ELEMENTS.**—The assessment conducted under subsection (a) shall include the following:

(1) Theoretical and computational modeling of high energy density material phases, radiation-matter interactions, plasmas atypical of astrophysical conditions, and conditions unique to the National Nuclear Security Administration.

(2) The simulation of such phases, interactions, plasmas, and conditions.

(3) Instrumentation and target fabrication.

(4) Workforce training.

(5) An assessment of advancements made by other countries in high energy density physics.

(6) Such other items as are agreed upon by the Administrator and the National Academies.

(c) **APPLICABILITY OF INTERNAL CONTROLS.**—The assessment under subsection (a) shall be conducted in accordance with the internal controls of the National Academies.

(d) **REPORT TO CONGRESS.**—Not later than 18 months after entering into the arrangement under subsection (a), the National Academy of Sciences, Engineering, and Medicine shall submit to the congressional defense committees a report on the assessment conducted under that subsection.

(e) **HIGH ENERGY DENSITY PHYSICS DEFINED.**—In this section, the term “high energy density physics” means the physics of matter and radiation at—

(1) energy densities exceeding 100,000,000,000 joules per cubic meter; and

(2) other temperature and pressure ranges within the warm dense matter regime.

#### **TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

##### **SEC. 3201. AUTHORIZATION.**

There are authorized to be appropriated for fiscal year 2020, \$29,450,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).

##### **SEC. 3202. IMPROVEMENT OF MANAGEMENT AND ORGANIZATION OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

(a) **PROVISION OF INFORMATION TO BOARD.**—Subsection (c) of section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended—

(1) in paragraph (2), by striking “paragraphs (5), (6), and (7)” and inserting “paragraphs (5) and (6)”;

(2) by striking paragraph (6); and

(3) by redesignating paragraph (7) as paragraph (6).

(b) **EXECUTIVE DIRECTOR FOR OPERATIONS.**—Paragraph (6) of such subsection, as redesignated by subsection (a)(3), is further amended in subparagraph (C)—

(1) by redesignating clauses (i), (ii), and (iii) as clauses (ii), (iii), and (iv), respectively; and

(2) by inserting before clause (ii), as redesignated by paragraph (1), the following new clause (i):

“(i) The executive director for operations, who shall report directly to the Chairman.”.

(c) **ORGANIZATION OF STAFF OF BOARD.**—Section 313(b) of such Act (42 U.S.C. 2286b(b)) is amended—

(1) in paragraph (1)(A), by striking “section 311(c)(7)” and inserting “section 311(c)(6)”;

and

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

“(3) Subject to the approval of the Board, the Chairman may organize the staff of the

Board as the Chairman considers appropriate to best accomplish the mission of the Board described in section 312(a).”.

##### **SEC. 3203. MEMBERSHIP OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

(a) **LIST OF CANDIDATES FOR NOMINATION.**—Subsection (b) of section 311 of the Atomic Energy Act of 1954 (42 U.S.C. 2286) is amended by adding at the end the following new paragraph:

“(4) The President shall enter into an arrangement with the National Academy of Sciences under which the National Academy shall maintain a list of individuals who meet the qualifications described in paragraph (1) to assist the President in selecting individuals to nominate for positions as members of the Board.”.

(b) **TERMS OF MEMBERS.**—

(1) **IN GENERAL.**—Subsection (d) of such section is amended—

(A) in paragraph (1), by striking the second sentence and inserting the following new sentence: “A member of the Board may not serve for two consecutive terms.”; and

(B) in paragraph (3), by striking the second sentence and inserting the following new sentence: “A member may not serve after the expiration of the member’s term.”.

(2) **EFFECTIVE DATE.**—The amendments made by paragraph (1) shall take effect on April 1, 2020.

(c) **FILLING VACANCIES.**—Such subsection is further amended by adding at the end the following new paragraph:

“(4)(A) Not later than 180 days after the expiration of the term of a member of the Board, the President shall—

“(i) submit to the Senate the nomination of an individual to fill the vacancy; or

“(ii) submit to the Committee on Armed Services of the Senate a report that includes—

“(I) a description of the reasons the President did not submit such a nomination; and

“(II) a plan for submitting such a nomination during the 90-day period following the submission of the report.

“(B) If the President does not submit to the Senate the nomination of an individual to fill a vacancy during the 90-day period described in subclause (II) of subparagraph (A)(ii), the President shall submit to the Committee on Armed Services a report described in that subparagraph not less frequently than every 90 days until the President submits such a nomination.”.

#### **TITLE XXXV—MARITIME ADMINISTRATION**

##### **SEC. 3501. MARITIME ADMINISTRATION.**

Section 109 of title 49, United States Code, is amended to read as follows:

##### **“§ 109. Maritime Administration**

“(a) **ORGANIZATION AND MISSION.**—The Maritime Administration is an administration in the Department of Transportation. The mission of the Maritime Administration is to foster, promote, and develop the merchant maritime industry of the United States.

“(b) **MARITIME ADMINISTRATOR.**—The head of the Maritime Administration is the Maritime Administrator, who is appointed by the President by and with the advice and consent of the Senate. The Administrator shall report directly to the Secretary of Transportation and carry out the duties prescribed by the Secretary.

“(c) **DEPUTY MARITIME ADMINISTRATOR.**—The Maritime Administration shall have a Deputy Maritime Administrator, who is appointed in the competitive service by the Secretary, after consultation with the Administrator. The Deputy Administrator shall carry out the duties prescribed by the Administrator. The Deputy Administrator shall be Acting Administrator during the absence or disability of the Administrator and, un-

less the Secretary designates another individual, during a vacancy in the office of Administrator.

“(d) **DUTIES AND POWERS VESTED IN SECRETARY.**—All duties and powers of the Maritime Administration are vested in the Secretary.

“(e) **REGIONAL OFFICES.**—The Maritime Administration shall have regional offices for the Atlantic, Gulf, Great Lakes, and Pacific port ranges, and may have other regional offices as necessary. The Secretary shall appoint a qualified individual as Director of each regional office. The Secretary shall carry out appropriate activities and programs of the Maritime Administration through the regional offices.

“(f) **INTERAGENCY AND INDUSTRY RELATIONS.**—The Secretary shall establish and maintain liaison with other agencies, and with representative trade organizations throughout the United States, concerned with the transportation of commodities by water in the export and import foreign commerce of the United States, for the purpose of securing preference to vessels of the United States for the transportation of those commodities.

“(g) **DETAILING OFFICERS FROM ARMED FORCES.**—To assist the Secretary in carrying out duties and powers relating to the Maritime Administration, not more than five officers of the Armed Forces may be detailed to the Secretary at any one time, in addition to details authorized by any other law. During the period of a detail, the Secretary shall pay the officer an amount that, when added to the officer’s pay and allowances as an officer in the Armed Forces, makes the officer’s total pay and allowances equal to the amount that would be paid to an individual performing work the Secretary considers to be of similar importance, difficulty, and responsibility as that performed by the officer during the detail.

“(h) **CONTRACTS, COOPERATIVE AGREEMENTS, AND AUDITS.**—

“(1) **CONTRACTS AND COOPERATIVE AGREEMENTS.**—In the same manner that a private corporation may make a contract within the scope of its authority under its charter, the Secretary may make contracts and cooperative agreements for the United States Government and disburse amounts to—

“(A) carry out the Secretary’s duties and powers under this section, subtitle V of title 46, and all other Maritime Administration programs; and

“(B) protect, preserve, and improve collateral held by the Secretary to secure indebtedness.

“(2) **AUDITS.**—The financial transactions of the Secretary under paragraph (1) shall be audited by the Comptroller General. The Comptroller General shall allow credit for an expenditure shown to be necessary because of the nature of the business activities authorized by this section or subtitle V of title 46. At least once a year, the Comptroller General shall report to Congress any departure by the Secretary from this section or subtitle V of title 46.

“(i) **GRANT ADMINISTRATIVE EXPENSES.**—Except as otherwise provided by law, the administrative and related expenses for the administration of any grant programs by the Maritime Administrator may not exceed 3 percent.

“(j) **AUTHORIZATION OF APPROPRIATIONS.**—

“(1) **IN GENERAL.**—Except as otherwise provided in this subsection, there are authorized to be appropriated such amounts as may be necessary to carry out the duties and powers of the Secretary relating to the Maritime Administration.

“(2) **LIMITATIONS.**—Only those amounts specifically authorized by law may be appropriated for the use of the Maritime Administration for—

“(A) acquisition, construction, or reconstruction of vessels;

“(B) construction-differential subsidies incident to the construction, reconstruction, or reconditioning of vessels;

“(C) costs of national defense features;

“(D) payments of obligations incurred for operating-differential subsidies;

“(E) expenses necessary for research and development activities, including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenses of experimental vessel operations;

“(F) the Vessel Operations Revolving Fund;

“(G) National Defense Reserve Fleet expenses;

“(H) expenses necessary to carry out part B of subtitle V of title 46; and

“(I) other operations and training expenses related to the development of waterborne transportation systems, the use of waterborne transportation systems, and general administration.”.

#### DIVISION D—FUNDING TABLES

##### SEC. 4001. AUTHORIZATION OF AMOUNTS IN FUNDING TABLES.

(a) IN GENERAL.—Whenever a funding table in this division specifies a dollar amount authorized for a project, program, or activity, the obligation and expenditure of the specified dollar amount for the project, program, or activity is hereby authorized, subject to the availability of appropriations.

(b) MERIT-BASED DECISIONS.—A decision to commit, obligate, or expend funds with or to a specific entity on the basis of a dollar amount authorized pursuant to subsection (a) shall—

(1) be based on merit-based selection procedures in accordance with the requirements of sections 2304(k) and 2374 of title 10, United States Code, or on competitive procedures; and

(2) comply with other applicable provisions of law.

(c) RELATIONSHIP TO TRANSFER AND PROGRAMMING AUTHORITY.—An amount specified in the funding tables in this division may be transferred or reprogrammed under a transfer or reprogramming authority provided by another provision of this Act or by other law. The transfer or reprogramming of an amount specified in such funding tables shall not count against a ceiling on such transfers or reprogrammings under section 1001 or section 1522 of this Act or any other provision of law, unless such transfer or reprogramming would move funds between appropriation accounts.

(d) APPLICABILITY TO CLASSIFIED ANNEX.—This section applies to any classified annex that accompanies this Act.

(e) ORAL WRITTEN COMMUNICATIONS.—No oral or written communication concerning any amount specified in the funding tables in this division shall supersede the requirements of this section.

#### TITLE XLI—PROCUREMENT

##### SEC. 4101. PROCUREMENT.

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized
<b>AIRCRAFT PROCUREMENT, ARMY FIXED WING</b>			
2	UTILITY F/W AIRCRAFT .....	16,000	0
	Program zeroed out in FYDP ..		[–16,000]
4	RQ–11 (RAVEN) .....	23,510	23,510
<b>ROTARY</b>			
5	TACTICAL UNMANNED AIRCRAFT SYSTEM (TUAS) .....	12,100	12,100
8	AH–64 APACHE BLOCK IIIA REMAN	806,849	806,849
9	AH–64 APACHE BLOCK IIIA REMAN AP .....	190,870	190,870

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized
10	AH–64 APACHE BLOCK IIIB NEW BUILD .....	0	105,000
	Increase fielding for Active and ARNG units .....		[105,000]
12	UH–60 BLACKHAWK M MODEL (MYP) .....	1,411,540	1,271,540
	Funding ahead of acquisition strategy .....		[–140,000]
13	UH–60 BLACKHAWK M MODEL (MYP) AP .....	79,572	79,572
14	UH–60 BLACK HAWK L AND V MOD- ELS .....	169,290	204,290
	Increase fielding for ARNG units .....		[35,000]
15	CH–47 HELICOPTER .....	140,290	140,290
16	CH–47 HELICOPTER AP .....	18,186	18,186
<b>MODIFICATION OF AIRCRAFT</b>			
19	UNIVERSAL GROUND CONTROL EQUIPMENT (UAS) .....	2,090	2,090
20	GRAY EAGLE MODS2 .....	14,699	14,699
21	MULTI SENSOR ABN RECON (MIP) ..	35,189	35,189
22	AH–64 MODS .....	58,172	58,172
23	CH–47 CARGO HELICOPTER MODS (MYP) .....	11,785	11,785
24	GRCS SEMA MODS (MIP) .....	5,677	5,677
25	ARL SEMA MODS (MIP) .....	6,566	6,566
26	EMARSS SEMA MODS (MIP) .....	3,859	3,859
27	UTILITY/CARGO AIRPLANE MODS ..	15,476	15,476
28	UTILITY HELICOPTER MODS .....	6,744	6,744
29	NETWORK AND MISSION PLAN .....	105,442	105,442
30	COMMS, NAV SURVEILLANCE .....	164,315	164,315
32	GATM ROLLUP .....	30,966	30,966
33	RQ–7 UAV MODS .....	8,983	8,983
34	UAS MODS .....	10,205	10,205
<b>GROUND SUPPORT AVIONICS</b>			
35	AIRCRAFT SURVIVABILITY EQUIP- MENT .....	52,297	52,297
36	SURVIVABILITY CM .....	8,388	8,388
37	CMWS .....	13,999	13,999
38	COMMON INFRARED COUNTER- MEASURES (CIRCM) .....	168,784	168,784
<b>OTHER SUPPORT</b>			
39	AVIONICS SUPPORT EQUIPMENT .....	1,777	1,777
40	COMMON GROUND EQUIPMENT .....	18,624	18,624
41	AIRCREW INTEGRATED SYSTEMS .....	48,255	48,255
42	AIR TRAFFIC CONTROL .....	32,738	32,738
44	LAUNCHER, 2.75 ROCKET .....	2,201	2,201
45	LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2 .....	991	991
<b>TOTAL AIRCRAFT PROCUREMENT, ARMY .....</b>			
		<b>3,696,429</b>	<b>3,680,429</b>
<b>MISSILE PROCUREMENT, ARMY SURFACE-TO-AIR MISSILE SYSTEM</b>			
1	SYSTEM INTEGRATION AND TEST PROCUREMENT .....	0	113,857
	Transfer back to base fund- ing .....		[113,857]
2	M-SHORAD—PROCUREMENT .....	0	103,800
	Transfer back to base fund- ing .....		[103,800]
3	MSE MISSILE .....	0	698,603
	Transfer back to base fund- ing .....		[698,603]
4	INDIRECT FIRE PROTECTION CAPA- BILITY INC 2–I .....	0	239,237
	Full funding of Iron Dome battery .....		[229,900]
	Transfer back to base fund- ing .....		[9,337]
5	THAAD .....	0	425,900
	THAAD program transfer from MDA .....		[425,900]
<b>AIR-TO-SURFACE MISSILE SYSTEM</b>			
6	HELLFIRE SYS SUMMARY .....	0	193,284
	Transfer back to base fund- ing .....		[193,284]
7	JOINT AIR-TO-GROUND MSLS (JAGM) Transfer back to base fund- ing .....	0	233,353
			[233,353]
<b>ANTI-TANK/ASSAULT MISSILE SYS</b>			
8	JAVELIN (AAWS-M) SYSTEM SUM- MARY .....	0	138,405

SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized
	Transfer back to base fund- ing .....		[138,405]
9	TOW 2 SYSTEM SUMMARY .....	0	114,340
	Transfer back to base fund- ing .....		[114,340]
10	TOW 2 SYSTEM SUMMARY AP .....	0	10,500
	Transfer back to base fund- ing .....		[10,500]
11	GUIDED MLRS ROCKET (GMLRS) ....	0	797,213
	Transfer back to base fund- ing .....		[797,213]
12	MLRS REDUCED RANGE PRACTICE ROCKETS (RRPR) .....	0	27,555
	Transfer back to base fund- ing .....		[27,555]
14	ARMY TACTICAL MSL SYS (ATACMS)—SYS SUM .....	0	209,842
	Transfer back to base fund- ing .....		[209,842]
<b>MODIFICATIONS</b>			
16	PATRIOT MODS .....	0	279,464
	Transfer back to base fund- ing .....		[279,464]
17	ATACMS MODS .....	0	85,320
	Transfer back to base fund- ing .....		[85,320]
18	GMLRS MOD .....	0	5,094
	Transfer back to base fund- ing .....		[5,094]
19	STINGER MODS .....	0	81,615
	Transfer back to base fund- ing .....		[81,615]
20	AVENGER MODS .....	0	14,107
	Transfer back to base fund- ing .....		[14,107]
21	ITAS/TOW MODS .....	0	3,469
	Transfer back to base fund- ing .....		[3,469]
22	MLRS MODS .....	0	39,019
	Transfer back to base fund- ing .....		[39,019]
23	HIMARS MODIFICATIONS .....	0	12,483
	Transfer back to base fund- ing .....		[12,483]
<b>SPARES AND REPAIR PARTS</b>			
24	SPARES AND REPAIR PARTS .....	0	26,444
	Transfer back to base fund- ing .....		[26,444]
<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>			
25	AIR DEFENSE TARGETS .....	0	10,593
	Transfer back to base fund- ing .....		[10,593]
<b>TOTAL MISSILE PROCUREMENT, ARMY .....</b>			
		<b>0</b>	<b>3,863,497</b>
<b>PROCUREMENT OF W&amp;TCV, ARMY TRACKED COMBAT VEHICLES</b>			
2	ARMORED MULTI PURPOSE VEHICLE (AMPV) .....	264,040	264,040
<b>MODIFICATION OF TRACKED COM- BAT VEHICLES</b>			
3	STRYKER (MOD) .....	144,387	393,587
	UPL Stryker lethality 30 mm cannon .....		[249,200]
4	STRYKER UPGRADE .....	550,000	550,000
5	BRADLEY PROGRAM (MOD) .....	638,781	598,781
	Excess to need due to termi- nation of subprogram .....		[–40,000]
6	M109 FOV MODIFICATIONS .....	25,756	25,756
7	PALADIN INTEGRATED MANAGEMENT (PIM) .....	553,425	553,425
9	ASSAULT BRIDGE (MOD) .....	2,821	2,821
10	ASSAULT BREACHER VEHICLE .....	31,697	31,697
11	M88 FOV MODS .....	4,500	4,500
12	JOINT ASSAULT BRIDGE .....	205,517	205,517
13	M1 ABRAMS TANK (MOD) .....	348,800	348,800
14	ABRAMS UPGRADE PROGRAM .....	1,752,784	1,717,784
	Early to need .....		[–35,000]
<b>WEAPONS &amp; OTHER COMBAT VEHI- CLES</b>			
16	MULTI-ROLE ANTI-ARMOR ANTI- PERSONNEL WEAPON S .....	19,420	19,420

SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
17	GUN AUTOMATIC 30MM M230 .....	20,000	20,000		Transfer back to base fund- ing .....		[266,037]		Army requested realignment ..		[–4,500]
19	MORTAR SYSTEMS .....	14,907	14,907						Early to need .....		[–35,000]
20	XM320 GRENADE LAUNCHER MOD- ULE (GLM) .....	191	191	15	PROJ 155MM EXTENDED RANGE M982 .....	0	57,434	7	TRUCK, DUMP, 20T (CCE) .....	10,838	10,838
21	PRECISION SNIPER RIFLE .....	7,977	7,977		Transfer back to base fund- ing .....		[57,434]	8	FAMILY OF MEDIUM TACTICAL VEH (FMTV) .....	72,057	72,057
22	COMPACT SEMI-AUTOMATIC SNIPER SYSTEM .....	9,860	9,860	16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	0	271,602	9	FIRETRUCKS & ASSOCIATED FIRE- FIGHTING EQUIP .....	28,048	28,048
23	CARBINE .....	30,331	30,331		Transfer back to base fund- ing .....		[271,602]	10	FAMILY OF HEAVY TACTICAL VEH- ICLES (FHTV) .....	9,969	9,969
24	SMALL ARMS—FIRE CONTROL .....	8,060	8,060		<b>MINES</b>			11	PLS ESP .....	6,280	6,280
25	COMMON REMOTELY OPERATED WEAPONS STATION .....	24,007	24,007		<b>MINES &amp; CLEARING CHARGES, ALL TYPES .....</b>	0	55,433	12	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	30,841	30,841
26	HANDGUN .....	6,174	6,174		Transfer back to base fund- ing .....		[55,433]	13	HMMWV RECAPITALIZATION PRO- GRAM .....	5,734	5,734
	<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>				<b>ROCKETS</b>			14	TACTICAL WHEELED VEHICLE PRO- TECTION KITS .....	45,113	45,113
28	MK–19 GRENADE MACHINE GUN MODS .....	3,737	3,737	18	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	0	74,878	15	MODIFICATION OF IN SVC EQUIP ....	58,946	58,946
29	M777 MODS .....	2,367	2,367		Transfer back to base fund- ing .....		[74,878]		<b>NON-TACTICAL VEHICLES</b>		
30	M4 CARBINE MODS .....	17,595	17,595	19	ROCKET, HYDRA 70, ALL TYPES .....	0	175,994	17	HEAVY ARMORED VEHICLE .....	791	791
33	M240 MEDIUM MACHINE GUN MODS .....	8,000	8,000		Transfer back to base fund- ing .....		[175,994]	18	PASSENGER CARRYING VEHICLES ...	1,416	1,416
34	SNIPER RIFLES MODIFICATIONS .....	2,426	2,426		<b>OTHER AMMUNITION</b>			19	NONTACTICAL VEHICLES, OTHER .....	29,891	29,891
35	M119 MODIFICATIONS .....	6,269	6,269	20	CAD/PAD, ALL TYPES .....	0	7,595	21	SIGNAL MODERNIZATION PROGRAM	153,933	153,933
36	MORTAR MODIFICATION .....	1,693	1,693		Transfer back to base fund- ing .....		[7,595]	22	TACTICAL NETWORK TECHNOLOGY MOD IN SVC .....	387,439	387,439
37	MODIFICATIONS LESS THAN \$5.0M (WOCV-WTCV) .....	4,327	4,327	21	DEMOLITION MUNITIONS, ALL TYPES	0	51,651	23	SITUATION INFORMATION TRANS- PORT .....	46,693	46,693
	<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>				Transfer back to base fund- ing .....		[51,651]	25	JCSE EQUIPMENT (USRDECOM) .....	5,075	5,075
38	ITEMS LESS THAN \$5.0M (WOCV- WTCV) .....	3,066	3,066	22	GRENADES, ALL TYPES .....	0	40,592		<b>COMM—SATELLITE COMMUNICA- TIONS</b>		
39	PRODUCTION BASE SUPPORT (WOCV-WTCV) .....	2,651	2,651		Transfer back to base fund- ing .....		[40,592]	28	DEFENSE ENTERPRISE WIDEBAND SATCOM SYSTEMS .....	101,189	101,189
	<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY .....</b>	<b>4,715,566</b>	<b>4,889,766</b>	23	SIGNALS, ALL TYPES .....	0	18,609	29	TRANSPORTABLE TACTICAL COM- MAND COMMUNICATIONS .....	77,141	77,141
	<b>PROCUREMENT OF AMMUNITION, ARMY</b>				Transfer back to base fund- ing .....		[18,609]	30	SHF TERM .....	16,054	16,054
	<b>SMALL/MEDIUM CAL AMMUNITION</b>			24	SIMULATORS, ALL TYPES .....	0	16,054	31	ASSURED POSITIONING, NAVIGATION AND TIMING .....	41,074	41,074
1	CTG, 5.56MM, ALL TYPES .....	0	68,949		Transfer back to base fund- ing .....		[16,054]	32	SMART-T (SPACE) .....	10,515	10,515
	Transfer back to base fund- ing .....		[68,949]		<b>MISCELLANEOUS</b>			33	GLOBAL BRDCST SVC—GBS .....	11,800	11,800
2	CTG, 7.62MM, ALL TYPES .....	0	114,228	25	AMMO COMPONENTS, ALL TYPES ....	0	5,261	34	ENROUTE MISSION COMMAND (EMC) .....	8,609	8,609
	Transfer back to base fund- ing .....		[114,228]		Transfer back to base fund- ing .....		[5,261]		<b>COMM—C3 SYSTEM</b>		
3	CTG, HANDGUN, ALL TYPES .....	0	17,807	26	NON-LETHAL AMMUNITION, ALL TYPES .....	0	715	38	COE TACTICAL SERVER INFRA- STRUCTURE (TSI) .....	77,533	77,533
	Transfer back to base fund- ing .....		[17,807]		Transfer back to base fund- ing .....		[715]		<b>COMM—COMBAT COMMUNICA- TIONS</b>		
4	CTG, .50 CAL, ALL TYPES .....	0	63,966	27	ITEMS LESS THAN \$5 MILLION (AMMO) .....	0	9,213	39	HANDHELD MANPACK SMALL FORM FIT (HMS) .....	468,026	468,026
	Transfer back to base fund- ing .....		[63,966]		Transfer back to base fund- ing .....		[9,213]	40	RADIO TERMINAL SET, MDS LVT(2)	23,778	23,778
5	CTG, 20MM, ALL TYPES .....	0	35,920	28	AMMUNITION PECULIAR EQUIPMENT	0	10,044	44	SPIDER FAMILY OF NETWORKED MUNITIONS INCR .....	10,930	10,930
	Transfer back to base fund- ing .....		[35,920]		Transfer back to base fund- ing .....		[10,044]	46	UNIFIED COMMAND SUITE .....	9,291	9,291
6	CTG, 25MM, ALL TYPES .....	0	8,990	29	FIRST DESTINATION TRANSPOR- TATION (AMMO) .....	0	18,492	47	COTS COMMUNICATIONS EQUIP- MENT .....	55,630	55,630
	Transfer back to base fund- ing .....		[8,990]		Transfer back to base fund- ing .....		[18,492]	48	FAMILY OF MED COMM FOR COM- BAT CASUALTY CARE .....	16,590	16,590
7	CTG, 30MM, ALL TYPES .....	0	68,813	30	CLOSEOUT LIABILITIES .....	0	99	49	ARMY COMMUNICATIONS & ELEC- TRONICS .....	43,457	43,457
	Transfer back to base fund- ing .....		[68,813]		Transfer back to base fund- ing .....		[99]		<b>COMM—INTELLIGENCE COMM</b>		
8	CTG, 40MM, ALL TYPES .....	0	103,952		<b>PRODUCTION BASE SUPPORT</b>			51	CI AUTOMATION ARCHITECTURE (MIP) .....	10,470	10,470
	Transfer back to base fund- ing .....		[103,952]	31	INDUSTRIAL FACILITIES .....	0	474,511	52	DEFENSE MILITARY DECEPTION INI- TIATIVE .....	3,704	3,704
	<b>MORTAR AMMUNITION</b>				Transfer back to base fund- ing .....		[474,511]		<b>INFORMATION SECURITY</b>		
9	60MM MORTAR, ALL TYPES .....	0	50,580	32	CONVENTIONAL MUNITIONS DEMILI- TARIZATION .....	0	202,512	53	FAMILY OF BIOMETRICS .....	1,000	1,000
	Transfer back to base fund- ing .....		[50,580]		Transfer back to base fund- ing .....		[202,512]	54	INFORMATION SYSTEM SECURITY PROGRAM-ISSP .....	3,600	3,600
10	81MM MORTAR, ALL TYPES .....	0	59,373	33	ARMS INITIATIVE .....	0	3,833	55	COMMUNICATIONS SECURITY (COMSEC) .....	160,899	160,899
	Transfer back to base fund- ing .....		[59,373]		Transfer back to base fund- ing .....		[3,833]	56	DEFENSIVE CYBER OPERATIONS ....	61,962	61,962
11	120MM MORTAR, ALL TYPES .....	0	125,452		<b>TOTAL PROCUREMENT OF AMMUNI- TION, ARMY .....</b>	<b>0</b>	<b>2,694,548</b>	57	INSIDER THREAT PROGRAM—UNIT ACTIVITY MONITO .....	756	756
	Transfer back to base fund- ing .....		[125,452]		<b>OTHER PROCUREMENT, ARMY</b>			58	PERSISTENT CYBER TRAINING ENVI- RONMENT .....	3,000	3,000
	<b>TANK AMMUNITION</b>				<b>TACTICAL VEHICLES</b>				<b>COMM—LONG HAUL COMMUNICA- TIONS</b>		
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	0	171,284	1	TACTICAL TRAILERS/DOLLY SETS ....	12,993	12,993	59	BASE SUPPORT COMMUNICATIONS	31,770	31,770
	Transfer back to base fund- ing .....		[171,284]	2	SEMITRAILERS, FLATBED: .....	102,386	102,386		<b>COMM—BASE COMMUNICATIONS</b>		
	<b>ARTILLERY AMMUNITION</b>			3	AMBULANCE, 4 LITTER, 5/4 TON, 4X4 .....	127,271	127,271	60	INFORMATION SYSTEMS .....	159,009	159,009
13	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES .....	0	44,675		Transfer back to base fund- ing .....		[44,675]	61	EMERGENCY MANAGEMENT MOD- ERNIZATION PROGRAM .....	4,854	4,854
	Transfer back to base fund- ing .....			4	GROUND MOBILITY VEHICLES (GMV)	37,038	37,038	62	HOME STATION MISSION COMMAND CENTERS (HSMCC) .....	47,174	47,174
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	0	266,037	6	JOINT LIGHT TACTICAL VEHICLE ....	996,007	956,507				



SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
63	INSTALLATION INFO INFRASTRUCTURE MOD PROGRAM .....	297,994	297,994	122	<b>ELECT EQUIP—SUPPORT</b>			178	AVIATION COMBINED ARMS TACTICAL TRAINER .....	4,840	4,840
	<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b>				<b>CLASSIFIED PROGRAMS</b>			179	GAMING TECHNOLOGY IN SUPPORT OF ARMY TRAINING .....	15,463	15,463
66	JTT/CIBS-M (MIP) .....	7,686	7,686	999	CLASSIFIED PROGRAMS .....	3,710	11,910		<b>TEST MEASURE AND DIG EQUIPMENT (TMD)</b>		
68	DCGS-A (MIP) .....	180,350	180,350		Transfer back to base funding .....		[8,200]	180	CALIBRATION SETS EQUIPMENT .....	3,030	3,030
70	TROJAN (MIP) .....	17,368	17,368		<b>CHEMICAL DEFENSIVE EQUIPMENT</b>			181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	76,980	76,980
71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	59,052	59,052	126	CBRN DEFENSE .....	25,828	25,828	182	TEST EQUIPMENT MODERNIZATION (TEMOD) .....	16,415	16,415
	<b>ELECT EQUIP—ELECTRONIC WARFARE (EW)</b>			127	SMOKE & OBSCURANT FAMILY: SOF (NON AAO ITEM) .....	5,050	5,050		<b>OTHER SUPPORT EQUIPMENT</b>		
77	LIGHTWEIGHT COUNTER MORTAR RADAR .....	5,400	5,400	128	<b>BRIDGING EQUIPMENT</b>			184	RAPID EQUIPPING SOLDIER SUPPORT EQUIPMENT .....	9,877	9,877
78	EW PLANNING & MANAGEMENT TOOLS (EWPMT) .....	7,568	7,568	129	TACTICAL BRIDGING .....	59,821	59,821	185	PHYSICAL SECURITY SYSTEMS (OPA3) .....	82,158	82,158
79	AIR VIGILANCE (AV) (MIP) .....	8,953	8,953	130	TACTICAL BRIDGE, FLOAT-RIBBON .....	57,661	57,661	186	BASE LEVEL COMMON EQUIPMENT	15,340	15,340
81	MULTI-FUNCTION ELECTRONIC WARFARE (MFEW) SYST .....	6,420	6,420	131	BRIDGE SUPPLEMENTAL SET .....	17,966	17,966	187	MODIFICATION OF IN-SVC EQUIPMENT (OPA-3) .....	50,458	50,458
83	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	501	501		<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b>			189	BUILDING, PRE-FAB, RELOCATABLE	14,400	14,400
84	CI MODERNIZATION (MIP) .....	121	121	132	HANDHELD STANDOFF MINEFIELD DETECTION SYS-HST .....	7,570	7,570	190	SPECIAL EQUIPMENT FOR USER TESTING .....	9,821	9,821
	<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b>			133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....	37,025	37,025		<b>OPA2</b>		
85	SENTINEL MODS .....	115,210	115,210	135	HUSKY MOUNTED DETECTION SYSTEM (HMDS) .....	83,082	83,082	192	INITIAL SPARES—C&E .....	9,757	9,757
86	NIGHT VISION DEVICES .....	236,604	236,604	136	ROBOTIC COMBAT SUPPORT SYSTEM (RCSS) .....	2,000	2,000		<b>TOTAL OTHER PROCUREMENT, ARMY</b>	<b>7,443,101</b>	<b>7,461,427</b>
88	SMALL TACTICAL OPTICAL RIFLE MOUNTED MLRF .....	22,623	22,623	137	EOD ROBOTICS SYSTEMS RECAPITALIZATION .....	23,115	23,115		<b>AIRCRAFT PROCUREMENT, NAVY COMBAT AIRCRAFT</b>		
90	INDIRECT FIRE PROTECTION FAMILY OF SYSTEMS .....	29,127	29,127	138	ROBOTICS AND APPLIQUE SYSTEMS .....	101,056	113,856	1	F/A-18E/F (FIGHTER) HORNET .....	1,748,934	1,748,934
91	FAMILY OF WEAPON SIGHTS (FWS)	120,883	120,883		Army requested realignment ..		[12,800]	2	F/A-18E/F (FIGHTER) HORNET AP ...	55,128	55,128
94	JOINT BATTLE COMMAND—PLATFORM (JBC-P) .....	265,667	265,667	140	RENDER SAFE SETS KITS OUTFITS ..	18,684	18,684	3	JOINT STRIKE FIGHTER CV .....	2,272,301	2,487,301
95	JOINT EFFECTS TARGETING SYSTEM (JETS) .....	69,720	69,720	142	FAMILY OF BOATS AND MOTORS .....	8,245	8,245		UPL USMC additional quantities .....		[215,000]
96	MOD OF IN-SVC EQUIP (LLDR) .....	6,044	6,044	143	<b>COMBAT SERVICE SUPPORT EQUIPMENT</b>			4	JOINT STRIKE FIGHTER CV AP .....	339,053	339,053
97	COMPUTER BALLISTICS: LHMBX XM32 .....	3,268	3,268	145	HEATERS AND ECU'S .....	7,336	7,336	5	JSF STOLV .....	1,342,035	1,591,135
98	MORTAR FIRE CONTROL SYSTEM .....	13,199	13,199		PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	4,281	4,281		UPL USMC additional quantities .....		[249,100]
99	MORTAR FIRE CONTROL SYSTEMS MODIFICATIONS .....	10,000	10,000	146	GROUND SOLDIER SYSTEM .....	111,955	111,955	6	JSF STOLV AP .....	291,804	291,804
100	COUNTERFIRE RADARS .....	16,416	78,916	147	MOBILE SOLDIER POWER .....	31,364	31,364	7	CH-53K (HEAVY LIFT) .....	807,876	807,876
	UPL Retrofits systems with GaN tech for ER .....		[62,500]	149	FIELD FEEDING EQUIPMENT .....	1,673	1,673	8	CH-53K (HEAVY LIFT) AP .....	215,014	215,014
	<b>ELECT EQUIP—TACTICAL C2 SYSTEMS</b>			150	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	43,622	43,622	9	V-22 (MEDIUM LIFT) .....	966,666	966,666
102	FIRE SUPPORT C2 FAMILY .....	13,197	13,197	151	FAMILY OF ENGR COMBAT AND CONSTRUCTION SETS .....	11,451	11,451	10	V-22 (MEDIUM LIFT) AP .....	27,104	27,104
103	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....	24,730	24,730	152	ITEMS LESS THAN \$5M (ENG SPT) ..	5,167	5,167	11	H-1 UPGRADES (UH-1Y/AH-1Z) .....	62,003	62,003
104	IAMD BATTLE COMMAND SYSTEM ..	29,629	29,629		<b>PETROLEUM EQUIPMENT</b>			13	MH-60R (MYP) .....	894	894
105	LIFE CYCLE SOFTWARE SUPPORT (LCSS) .....	6,774	6,774	154	DISTRIBUTION SYSTEMS, PETROLEUM & WATER .....	74,867	74,867	14	P-8A POSEIDON .....	1,206,701	1,206,701
106	NETWORK MANAGEMENT INITIALIZATION AND SERVICE .....	24,448	24,448	155	<b>MEDICAL EQUIPMENT</b>			16	E-20 ADV HAWKEYE .....	744,484	744,484
107	MANEUVER CONTROL SYSTEM (MCS) .....	260	260	156	COMBAT SUPPORT MEDICAL .....	68,225	68,225	17	E-20 ADV HAWKEYE AP .....	190,204	190,204
108	GLOBAL COMBAT SUPPORT SYSTEM-ARMY (GCSS-A) .....	17,962	17,962		<b>MAINTENANCE EQUIPMENT</b>			19	<b>TRAINER AIRCRAFT</b>		
109	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPP) .....	18,674	0	157	MOBILE MAINTENANCE EQUIPMENT SYSTEMS .....	55,053	55,053		ADVANCED HELICOPTER TRAINING SYSTEM .....	261,160	261,160
	Poor business process re-engineering .....		[-18,674]	161	ITEMS LESS THAN \$5.0M (MAINT EQ) .....	5,608	5,608	20	<b>OTHER AIRCRAFT</b>		
110	RECONNAISSANCE AND SURVEYING INSTRUMENT SET .....	11,000	11,000	162	<b>CONSTRUCTION EQUIPMENT</b>			21	KC-130J .....	240,840	240,840
111	MOD OF IN-SVC EQUIPMENT (ENFIRE) .....	7,317	7,317	163	HYDRAULIC EXCAVATOR .....	500	500	22	KC-130J AP .....	66,061	66,061
	<b>ELECT EQUIP—AUTOMATION</b>			164	TRACTOR, FULL TRACKED .....	4,835	4,835		F-5 .....	39,676	0
112	ARMY TRAINING MODERNIZATION ..	14,578	14,578	166	ALL TERRAIN CRANES .....	23,936	23,936		Program cancellation .....		[-39,676]
113	AUTOMATED DATA PROCESSING EQUIP .....	139,342	147,342	167	HIGH MOBILITY ENGINEER EXCAVATOR (HME) .....	27,188	27,188	23	MQ-4 TRITON .....	473,134	473,134
	JIOCEUR at RAF Molesworth ..		[8,000]	172	CONST EQUIP ESP .....	34,790	34,790	24	MQ-4 TRITON AP .....	20,139	20,139
114	GENERAL FUND ENTERPRISE BUSINESS SYSTEMS FAM .....	15,802	15,802	173	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	4,381	4,381	25	MQ-8 UAV .....	44,957	44,957
115	HIGH PERF COMPUTING MOD PGM (HPCMP) .....	67,610	67,610		<b>RAIL FLOAT CONTAINERIZATION EQUIPMENT</b>			26	STUASLO UAV .....	43,819	43,819
116	CONTRACT WRITING SYSTEM .....	15,000	0	171	<b>GENERATORS</b>			28	VH-92A EXECUTIVE HELO .....	658,067	658,067
	Program duplication .....		[-15,000]	172	GENERATORS AND ASSOCIATED EQUIP .....	58,566	58,566		<b>MODIFICATION OF AIRCRAFT</b>		
117	CSS COMMUNICATIONS .....	24,700	24,700	173	TACTICAL ELECTRIC POWER RECAPITALIZATION .....	14,814	14,814	29	AEA SYSTEMS .....	44,470	44,470
118	RESERVE COMPONENT AUTOMATION SYS (RCAS) .....	27,879	27,879	174	ITEMS LESS THAN \$5.0M (FLOAT/RAIL) .....	6,920	6,920	30	AV-8 SERIES .....	39,472	39,472
	<b>ELECT EQUIP—AUDIO VISUAL SYS (AV)</b>				<b>GENERATORS</b>			31	ADVERSARY .....	3,415	3,415
120	ITEMS LESS THAN \$5M (SURVEYING EQUIPMENT) .....	5,000	5,000	175	<b>MATERIAL HANDLING EQUIPMENT</b>			32	F-18 SERIES .....	1,207,089	1,207,089
				176	<b>TRAINING EQUIPMENT</b>			33	H-53 SERIES .....	68,385	68,385
					COMBAT TRAINING CENTERS SUPPORT .....			34	MH-60 SERIES .....	149,797	149,797
					TRAINING DEVICES, NONSYSTEM .....			35	H-1 SERIES .....	114,059	114,059
					SYNTHETIC TRAINING ENVIRONMENT (STE) .....			36	EP-3 SERIES .....	8,655	8,655
								38	E-2 SERIES .....	117,059	117,059
								39	TRAINER A/C SERIES .....	5,616	5,616
								40	C-2A .....	15,747	15,747
								41	C-130 SERIES .....	122,671	122,671
								42	FEWSG .....	509	509
								43	CARGO/TRANSPORT A/C SERIES .....	8,767	8,767
								44	E-6 SERIES .....	169,827	169,827
								45	EXECUTIVE HELICOPTERS SERIES ..	8,933	8,933
								47	T-45 SERIES .....	186,022	186,022
								48	POWER PLANT CHANGES .....	16,136	16,136
								49	JPATS SERIES .....	21,824	21,824
								50	AVIATION LIFE SUPPORT MODS .....	39,762	39,762
								51	COMMON ECM EQUIPMENT .....	162,839	162,839

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52	COMMON AVIONICS CHANGES .....	102,107	102,107		Transfer back to base fund- ing .....			43	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	0	7,160
53	COMMON DEFENSIVE WEAPON SYS- TEM .....	2,100	2,100		Unjustified accelerated acqui- sition strategy .....		[38,137]		Transfer back to base fund- ing .....		[7,160]
54	ID SYSTEMS .....	41,437	41,437		<b>MODIFICATION OF MISSILES</b>		[-20,000]		<b>SPARES AND REPAIR PARTS</b>		
55	P-8 SERIES .....	107,539	107,539	20	ESSM .....	0	128,059	45	SPARES AND REPAIR PARTS .....	0	126,138
56	MAGTF EW FOR AVIATION .....	26,536	26,536		Transfer back to base fund- ing .....		[128,059]		Transfer back to base fund- ing .....		[126,138]
57	MQ-8 SERIES .....	34,686	34,686	21	HARPOON MODS .....	0	25,447		<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>0</b>	<b>4,174,944</b>
58	V-22 (TILT/ROTOR ACFT) OSPREY ..	325,367	325,367		Transfer back to base fund- ing .....		[25,447]		<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>		
59	NEXT GENERATION JAMMER (NG) ..	6,223	6,223	22	HARM MODS .....	0	183,740		<b>NAVY AMMUNITION</b>		
60	F-35 STOVL SERIES .....	65,585	65,585		Transfer back to base fund- ing .....		[183,740]	1	GENERAL PURPOSE BOMBS .....	0	36,028
61	F-35 CV SERIES .....	15,358	15,358	23	STANDARD MISSILES MODS .....	0	22,500		Transfer back to base fund- ing .....		[36,028]
62	QRC .....	165,016	165,016		Transfer back to base fund- ing .....		[22,500]	2	JDAM .....	0	70,413
63	MQ-4 SERIES .....	27,994	27,994		<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>				Transfer back to base fund- ing .....		[70,413]
64	RQ-21 SERIES .....	66,282	66,282	24	WEAPONS INDUSTRIAL FACILITIES ...	0	1,958	3	AIRBORNE ROCKETS, ALL TYPES ....	0	31,756
	<b>AIRCRAFT SPARES AND REPAIR PARTS</b>				Transfer back to base fund- ing .....		[1,958]		Transfer back to base fund- ing .....		[31,756]
67	SPARES AND REPAIR PARTS .....	2,166,788	2,235,088	25	FLEET SATELLITE COMM FOLLOW- ON .....	0	67,380	4	MACHINE GUN AMMUNITION .....	0	4,793
	F-35B spares .....		[14,900]		Transfer back to base fund- ing .....		[67,380]		Transfer back to base fund- ing .....		[4,793]
	F-35C spares .....		[24,600]		<b>ORDNANCE SUPPORT EQUIPMENT</b>			5	PRACTICE BOMBS .....	0	34,708
	UPL F-35B engine .....		[28,800]	27	ORDNANCE SUPPORT EQUIPMENT ...	0	109,427		Transfer back to base fund- ing .....		[34,708]
	<b>AIRCRAFT SUPPORT EQUIP &amp; FA- CILITIES</b>				Transfer back to base fund- ing .....		[109,427]	6	CARTRIDGES & CART ACTUATED DEVICES .....	0	45,738
68	COMMON GROUND EQUIPMENT .....	491,025	491,025	28	SSTD .....	0	5,561		Transfer back to base fund- ing .....		[45,738]
69	AIRCRAFT INDUSTRIAL FACILITIES ...	71,335	71,335		Transfer back to base fund- ing .....		[5,561]	7	AIR EXPENDABLE COUNTER- MEASURES .....	0	77,301
70	WAR CONSUMABLES .....	41,086	41,086	29	MK-48 TORPEDO .....	0	130,000		Transfer back to base fund- ing .....		[77,301]
72	SPECIAL SUPPORT EQUIPMENT .....	135,740	135,740		Transfer back to base fund- ing .....		[114,000]	8	JATOS .....	0	7,262
73	FIRST DESTINATION TRANSPOR- TATION .....	892	892		UPL additional quantities .....		[16,000]		Transfer back to base fund- ing .....		[7,262]
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>18,522,204</b>	<b>19,014,928</b>	30	ASW TARGETS .....	0	15,095	9	5 INCH/54 GUN AMMUNITION .....	0	22,594
	<b>WEAPONS PROCUREMENT, NAVY MODIFICATION OF MISSILES</b>				Transfer back to base fund- ing .....		[15,095]		Transfer back to base fund- ing .....		[22,594]
1	TRIDENT II MODS .....	0	1,177,251		<b>MOD OF TORPEDOES AND RELATED EQUIP</b>			10	INTERMEDIATE CALIBER GUN AM- MUNITION .....	0	37,193
	Transfer back to base fund- ing .....		[1,177,251]	31	MK-54 TORPEDO MODS .....	0	119,453		Transfer back to base fund- ing .....		[37,193]
	<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>				Transfer back to base fund- ing .....		[119,453]	11	OTHER SHIP GUN AMMUNITION .....	0	39,491
2	MISSILE INDUSTRIAL FACILITIES .....	0	7,142	32	MK-48 TORPEDO ADCAP MODS .....	0	39,508		Transfer back to base fund- ing .....		[39,491]
	Transfer back to base fund- ing .....		[7,142]		Transfer back to base fund- ing .....		[39,508]	12	SMALL ARMS & LANDING PARTY AMMO .....	0	47,896
	<b>STRATEGIC MISSILES</b>				<b>SUPPORT EQUIPMENT</b>				Transfer back to base fund- ing .....		[47,896]
3	TOMAHAWK .....	0	330,430	34	TORPEDO SUPPORT EQUIPMENT .....	0	79,028	13	PYROTECHNIC AND DEMOLITION ....	0	10,621
	Transfer back to base fund- ing .....		[386,730]		Transfer back to base fund- ing .....		[79,028]		Transfer back to base fund- ing .....		[10,621]
	Unjustified tooling and facilitization costs .....		[-56,300]	35	ASW RANGE SUPPORT .....	0	3,890	15	AMMUNITION LESS THAN \$5 MIL- LION .....	0	2,386
	<b>TACTICAL MISSILES</b>				Transfer back to base fund- ing .....		[3,890]		Transfer back to base fund- ing .....		[2,386]
4	AMRAAM .....	0	224,502		<b>DESTINATION TRANSPORTATION</b>				<b>MARINE CORPS AMMUNITION</b>		
	Transfer back to base fund- ing .....		[224,502]	36	FIRST DESTINATION TRANSPOR- TATION .....	0	3,803	16	MORTARS .....	0	55,543
5	SIDEWINDER .....	0	119,456		Transfer back to base fund- ing .....		[3,803]		Transfer back to base fund- ing .....		[55,543]
	Transfer back to base fund- ing .....		[119,456]		<b>GUNS AND GUN MOUNTS</b>			17	DIRECT SUPPORT MUNITIONS .....	0	131,765
7	STANDARD MISSILE .....	0	404,523	37	SMALL ARMS AND WEAPONS .....	0	14,797		Transfer back to base fund- ing .....		[131,765]
	Transfer back to base fund- ing .....		[404,523]		Transfer back to base fund- ing .....		[14,797]	18	INFANTRY WEAPONS AMMUNITION ..	0	78,056
8	STANDARD MISSILE AP .....	0	96,085		<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>				Transfer back to base fund- ing .....		[78,056]
	Transfer back to base fund- ing .....		[96,085]	38	CIWS MODS .....	0	44,126	19	COMBAT SUPPORT MUNITIONS .....	0	40,048
9	SMALL DIAMETER BOMB II .....	0	118,466		Transfer back to base fund- ing .....		[44,126]		Transfer back to base fund- ing .....		[40,048]
	Transfer back to base fund- ing .....		[118,466]	39	COAST GUARD WEAPONS .....	0	44,980	20	AMMO MODERNIZATION .....	0	14,325
10	RAM .....	0	106,765		Transfer back to base fund- ing .....		[44,980]		Transfer back to base fund- ing .....		[14,325]
	Transfer back to base fund- ing .....		[106,765]	40	GUN MOUNT MODS .....	0	66,376	21	ARTILLERY MUNITIONS .....	0	188,876
12	HELLFIRE .....	0	1,525		Transfer back to base fund- ing .....		[66,376]		Transfer back to base fund- ing .....		[188,876]
	Transfer back to base fund- ing .....		[1,525]	41	LCS MODULE WEAPONS .....	0	14,585	22	ITEMS LESS THAN \$5 MILLION .....	0	4,521
15	AERIAL TARGETS .....	0	145,880		Transfer back to base fund- ing .....		[14,585]		Transfer back to base fund- ing .....		[4,521]
	Transfer back to base fund- ing .....		[145,880]								
16	DRONES AND DECOYS .....	0	20,000								
	Transfer back to base fund- ing .....		[20,000]								
17	OTHER MISSILE SUPPORT .....	0	3,388								
	Transfer back to base fund- ing .....		[3,388]								
18	LRASM .....	0	143,200								
	Transfer back to base fund- ing .....		[143,200]								
19	LCS OTH MISSILE .....	0	18,137								

SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
	<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC</b>	<b>0</b>	<b>981,314</b>	15	DDG 1000 CLASS SUPPORT EQUIP- MENT	9,930	9,930		<b>OTHER SHORE ELECTRONIC EQUIP- MENT</b>		
	<b>SHIPBUILDING AND CONVERSION, NAVY</b>			16	STRATEGIC PLATFORM SUPPORT EQUIP	14,331	14,331	61	TACTICAL/MOBILE C4I SYSTEMS	36,226	36,226
	<b>FLEET BALLISTIC MISSILE SHIPS</b>			17	DSSP EQUIPMENT	2,909	2,909	62	DCGS-N	21,788	21,788
1	OHIO REPLACEMENT SUBMARINE AP	1,698,907	1,823,907	18	CG MODERNIZATION	193,990	193,990	63	CANES	426,654	426,654
	Submarine industrial base ex- pansion		[125,000]	19	LCAC	3,392	3,392	64	RADIAC	6,450	6,450
	<b>OTHER WARSHIPS</b>			20	UNDERWATER EOD PROGRAMS	71,240	82,240	65	CANES-INTELL	52,713	52,713
2	CARRIER REPLACEMENT PROGRAM	2,347,000	2,347,000		Program increase for four ExMCM companies		[11,000]	66	GPETE	13,028	13,028
3	VIRGINIA CLASS SUBMARINE	7,155,946	4,691,946	21	ITEMS LESS THAN \$5 MILLION	102,543	102,543	67	MASF	5,193	5,193
	Restore VPM on SSN-804		[522,100]	22	CHEMICAL WARFARE DETECTORS	2,961	2,961	68	INTEG COMBAT SYSTEM TEST FA- CILITY	6,028	6,028
	SSN-812 full funding early to need		[-2,986,100]	23	SUBMARINE LIFE SUPPORT SYSTEM <b>REACTOR PLANT EQUIPMENT</b>	6,635	6,635	69	EMI CONTROL INSTRUMENTATION	4,209	4,209
4	VIRGINIA CLASS SUBMARINE AP	2,769,552	4,269,552	24	REACTOR POWER UNITS	5,340	5,340	70	ITEMS LESS THAN \$5 MILLION	168,436	144,636
	Future Virginia-class sub- marine(s) with VPM		[1,500,000]	25	REACTOR COMPONENTS	465,726	465,726		NGSSR early to need		[-23,800]
5	CVN REFUELING OVERHAULS	647,926	597,926		<b>OCEAN ENGINEERING</b>			71	<b>SHIPBOARD COMMUNICATIONS</b>		
	CVN-74 RCOH unjustified cost growth		[-50,000]	26	DIVING AND SALVAGE EQUIPMENT .. <b>SMALL BOATS</b>	11,854	11,854		SHIPBOARD TACTICAL COMMUNICA- TIONS	55,853	55,853
6	CVN REFUELING OVERHAULS AP	0	16,900	27	STANDARD BOATS	79,102	79,102	72	SHIP COMMUNICATIONS AUTOMA- TION	137,861	137,861
	Restore CVN-75 RCOH		[16,900]		<b>PRODUCTION FACILITIES EQUIP- MENT</b>			73	COMMUNICATIONS ITEMS UNDER \$5M	35,093	35,093
7	DDG 1000	155,944	155,944	28	OPERATING FORCES IPE	202,238	202,238		<b>SUBMARINE COMMUNICATIONS</b>		
8	DDG-51	5,099,295	5,079,295	29	<b>OTHER SHIP SUPPORT</b>			74	SUBMARINE BROADCAST SUPPORT	50,833	50,833
	Available prior year funds		[-20,000]	30	LCS COMMON MISSION MODULES EQUIPMENT	51,553	51,553	75	SUBMARINE COMMUNICATION EQUIPMENT	69,643	69,643
9	DDG-51 AP	224,028	484,028		LCS MCM MISSION MODULES	197,129	67,329		<b>SATELLITE COMMUNICATIONS</b>		
	Accelerate LLTM for FY21 Flight III destroyers		[260,000]		Procurement ahead of satis- factory testing		[-129,800]	76	SATELLITE COMMUNICATIONS SYS- TEMS	45,841	45,841
11	FFG-FRIGATE	1,281,177	1,281,177	31	LCS ASW MISSION MODULES	27,754	27,754	77	NAVY MULTIBAND TERMINAL (NMT)	88,021	88,021
	<b>AMPHIBIOUS SHIPS</b>			32	LCS SUW MISSION MODULES	26,566	26,566		<b>SHORE COMMUNICATIONS</b>		
12	LPD FLIGHT II	0	525,000	33	LCS IN-SERVICE MODERNIZATION	84,972	84,972	78	JOINT COMMUNICATIONS SUPPORT ELEMENT (UCSE)	4,293	4,293
	LPD-31 program increase		[277,900]	34	SMALL & MEDIUM UUV	40,547	10,647		<b>CRYPTOGRAPHIC EQUIPMENT</b>		
	Transfer from SCN line 13		[247,100]		Knifefish procurement ahead of satisfactory testing		[-29,900]	79	INFO SYSTEMS SECURITY PROGRAM (ISSP)	166,540	166,540
13	LPD FLIGHT II AP	247,100	0		<b>LOGISTIC SUPPORT</b>			80	MIO INTEL EXPLOITATION TEAM	968	968
	Transfer to SCN line 12		[-247,100]	35	LSD MIDLIFE & MODERNIZATION	40,269	40,269		<b>CRYPTOLOGIC EQUIPMENT</b>		
15	LHA REPLACEMENT	0	650,000		<b>SHIP SONARS</b>			81	CRYPTOLOGIC COMMUNICATIONS EQUIP	13,090	13,090
	LHA-9 program increase		[650,000]	36	SPQ-9B RADAR	26,195	26,195		<b>OTHER ELECTRONIC SUPPORT</b>		
	<b>AUXILIARIES, CRAFT AND PRIOR YR PROGRAM COST</b>			37	AN/SQQ-89 SURF ASW COMBAT SYSTEM	125,237	125,237	83	COAST GUARD EQUIPMENT	61,370	61,370
18	TAO FLEET OILER	981,215	981,215		SSN ACOUSTIC EQUIPMENT	366,968	366,968		<b>SONOBUOYS</b>		
19	TAO FLEET OILER AP	73,000	73,000	38	UNDERSEA WARFARE SUPPORT EQUIPMENT	8,967	8,967	85	SONOBUOYS—ALL TYPES	260,644	310,644
20	TOWING, SALVAGE, AND RESCUE SHIP (ATS)	150,282	150,282		<b>ASW ELECTRONIC EQUIPMENT</b>				UPL Sonobuoy increase		[50,000]
22	LCU 1700	85,670	85,670	40	SUBMARINE ACOUSTIC WARFARE SYSTEM	23,545	23,545	86	<b>AIRCRAFT SUPPORT EQUIPMENT</b>	5,000	5,000
23	OUTFITTING	754,679	704,679	41	SSTD	12,439	12,439	87	WEAPONS RANGE SUPPORT EQUIP- MENT	101,843	101,843
	Early to need and unjustified cost growth		[-50,000]	42	FIXED SURVEILLANCE SYSTEM	128,441	128,441	88	AIRCRAFT SUPPORT EQUIPMENT	145,601	145,601
25	SERVICE CRAFT	56,289	81,789	43	SURTASS	21,923	21,923	89	ADVANCED ARRESTING GEAR (AAG)	4,725	4,725
	Accelerate YP-703 Flight II		[25,500]		<b>ELECTRONIC WARFARE EQUIPMENT</b>			90	METEOROLOGICAL EQUIPMENT	14,687	14,687
28	COMPLETION OF PY SHIPBUILDING PROGRAMS	55,700	104,700	44	AN/SLQ-32	420,154	358,154	92	LEGACY AIRBORNE MCM	19,250	19,250
	UPL EPF-14 conversion		[49,000]		Early to need		[-62,000]	93	LAMPS EQUIPMENT	792	792
29	SHIP TO SHORE CONNECTOR AP	0	40,400		<b>RECONNAISSANCE EQUIPMENT</b>			94	AVIATION SUPPORT EQUIPMENT	55,415	55,415
	Program increase		[40,400]	45	SHIPBOARD IW EXPLOIT	194,758	202,758	95	UMCS-UNMAN CARRIER AVIA- TION(UCAM)MISSION CNTRL	32,668	32,668
	<b>TOTAL SHIPBUILDING AND CON- VERSION, NAVY</b>	<b>23,783,710</b>	<b>24,144,410</b>		UPL SSEE expansion on Flight I DDGs		[8,000]	96	<b>SHIP GUN SYSTEM EQUIPMENT</b>		
	<b>OTHER PROCUREMENT, NAVY</b>			46	AUTOMATED IDENTIFICATION SYS- TEM (AIS)	5,368	5,368		SHIP GUN SYSTEMS EQUIPMENT	5,451	5,451
	<b>SHIP PROPULSION EQUIPMENT</b>				<b>OTHER SHIP ELECTRONIC EQUIP- MENT</b>				<b>SHIP MISSILE SYSTEMS EQUIP- MENT</b>		
1	SURFACE POWER EQUIPMENT	14,490	14,490	47	COOPERATIVE ENGAGEMENT CAPA- BILITY	35,128	35,128	97	HARPOON SUPPORT EQUIPMENT	1,100	1,100
	<b>GENERATORS</b>			48	NAVAL TACTICAL COMMAND SUP- PORT SYSTEM (NTCSS)	15,154	15,154	98	SHIP MISSILE SUPPORT EQUIPMENT	228,104	228,104
2	SURFACE COMBATANT HM&E	31,583	50,583	49	ATDLS	52,753	52,753	99	TOMAHAWK SUPPORT EQUIPMENT	78,593	78,593
	UPL DDG-51 class HM&E up- grades		[19,000]	50	NAVY COMMAND AND CONTROL SYSTEM (NCCS)	3,390	3,390		<b>FBM SUPPORT EQUIPMENT</b>		
	<b>NAVIGATION EQUIPMENT</b>			51	MINESWEEPING SYSTEM REPLA- CEMENT	19,448	19,448	100	STRATEGIC MISSILE SYSTEMS EQUIP	280,510	280,510
3	OTHER NAVIGATION EQUIPMENT	77,404	77,404	52	SHALLOW WATER MCM	8,730	8,730		<b>ASW SUPPORT EQUIPMENT</b>		
	<b>OTHER SHIPBOARD EQUIPMENT</b>			53	NAVSTAR GPS RECEIVERS (SPACE)	32,674	32,674	101	SSN COMBAT CONTROL SYSTEMS	148,547	148,547
4	SUB PERISCOPE, IMAGING AND SUPT EQUIP PROG	160,803	160,803	54	AMERICAN FORCES RADIO AND TV SERVICE	2,617	2,617	102	ASW SUPPORT EQUIPMENT	21,130	21,130
5	DDG MOD	566,140	566,140		<b>AVIATION ELECTRONIC EQUIPMENT</b>				<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
6	FIREFIGHTING EQUIPMENT	18,223	18,223	56	ASHORE ATC EQUIPMENT	72,406	72,406	103	EXPLOSIVE ORDNANCE DISPOSAL EQUIP	15,244	15,244
7	COMMAND AND CONTROL SWITCH- BOARD	2,086	2,086	57	AFLOAT ATC EQUIPMENT	67,410	67,410	104	ITEMS LESS THAN \$5 MILLION	5,071	5,071
8	LHA/LHD MIDLIFE	95,651	95,651	58	ID SYSTEMS	26,059	26,059		<b>OTHER EXPENDABLE ORDNANCE</b>		
9	POLLUTION CONTROL EQUIPMENT	23,910	23,910	59	JOINT PRECISION APPROACH AND LANDING SYSTEM (	92,695	92,695	105	ANTI-SHIP MISSILE DECOY SYSTEM	41,962	41,962
10	SUBMARINE SUPPORT EQUIPMENT	44,895	44,895	60	NAVAL MISSION PLANNING SYSTEMS	15,296	15,296	106	SUBMARINE TRAINING DEVICE MODS	75,057	75,057
11	VIRGINIA CLASS SUPPORT EQUIP- MENT	28,465	28,465					107	SURFACE TRAINING EQUIPMENT	233,175	233,175
12	LCS CLASS SUPPORT EQUIPMENT	19,426	19,426						<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
13	SUBMARINE BATTERIES	26,290	26,290					108	PASSENGER CARRYING VEHICLES	4,562	4,562
14	LPD CLASS SUPPORT EQUIPMENT	46,945	46,945					109	GENERAL PURPOSE TRUCKS	10,974	10,974

SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
110	CONSTRUCTION & MAINTENANCE			30	NEXT GENERATION ENTERPRISE			26	F-16 .....	234,782	309,782
	EQUIP .....	43,191	43,191		NETWORK (NGEN) .....	114,901	114,901		Additional radars .....		(75,000)
111	FIRE FIGHTING EQUIPMENT .....	21,142	21,142	31	COMMON COMPUTER RESOURCES ..	51,094	51,094	28	F-22A .....	323,597	323,597
112	TACTICAL VEHICLES .....	33,432	33,432	32	COMMAND POST SYSTEMS .....	108,897	108,897	30	F-35 MODIFICATIONS .....	343,590	343,590
114	POLLUTION CONTROL EQUIPMENT ...	2,633	2,633	33	RADIO SYSTEMS .....	227,320	227,320	31	F-15 EPAW .....	149,047	81,847
115	ITEMS UNDER \$5 MILLION .....	53,467	53,467	34	COMM SWITCHING & CONTROL				Not required because of F-		
116	PHYSICAL SECURITY VEHICLES .....	1,173	1,173		SYSTEMS .....	31,685	31,685		15X .....		[-67,200]
	<b>SUPPLY SUPPORT EQUIPMENT</b>			35	COMM & ELEC INFRASTRUCTURE			32	INCREMENT 3.2B .....	20,213	20,213
117	SUPPLY EQUIPMENT .....	16,730	16,730		SUPPORT .....	21,140	21,140	33	KC-46A MDAP .....	10,213	10,213
118	FIRST DESTINATION TRANSPOR-			36	CYBERSPACE ACTIVITIES .....	27,632	27,632		<b>AIRLIFT AIRCRAFT</b>		
	TATION .....	5,389	5,389		<b>CLASSIFIED PROGRAMS</b>			34	C-5 .....	73,550	73,550
119	SPECIAL PURPOSE SUPPLY SYS-			999	CLASSIFIED PROGRAMS .....	5,535	5,535	36	C-17A .....	60,244	60,244
	TEMS .....	654,674	654,674		<b>ADMINISTRATIVE VEHICLES</b>			37	C-21 .....	216	216
	<b>TRAINING DEVICES</b>			37	COMMERCIAL CARGO VEHICLES .....	28,913	28,913	38	C-32A .....	11,511	11,511
120	TRAINING SUPPORT EQUIPMENT .....	3,633	3,633		<b>TACTICAL VEHICLES</b>			39	C-37A .....	435	435
121	TRAINING AND EDUCATION EQUIP-			38	MOTOR TRANSPORT MODIFICATIONS	19,234	19,234		<b>TRAINER AIRCRAFT</b>		
	MENT .....	97,636	97,636	39	JOINT LIGHT TACTICAL VEHICLE .....	558,107	558,107	40	GLIDER MODS .....	138	138
	<b>COMMAND SUPPORT EQUIPMENT</b>			40	FAMILY OF TACTICAL TRAILERS .....	2,693	2,693	41	T-6 .....	11,826	11,826
122	COMMAND SUPPORT EQUIPMENT ...	66,102	59,779		<b>ENGINEER AND OTHER EQUIPMENT</b>			42	T-1 .....	26,787	26,787
	Program duplication .....		[-6,323]	41	ENVIRONMENTAL CONTROL EQUIP			43	T-38 .....	37,341	37,341
123	MEDICAL SUPPORT EQUIPMENT .....	3,633	3,633		ASSORT .....	495	495		<b>OTHER AIRCRAFT</b>		
125	NAVAL MIP SUPPORT EQUIPMENT ...	6,097	6,097	42	TACTICAL FUEL SYSTEMS .....	52	52	44	U-2 MODS .....	86,896	86,896
126	OPERATING FORCES SUPPORT			43	POWER EQUIPMENT ASSORTED .....	22,441	22,441	45	KC-10A (ATCA) .....	2,108	2,108
	EQUIPMENT .....	16,905	16,905	44	AMPHIBIOUS SUPPORT EQUIPMENT	7,101	7,101	46	C-12 .....	3,021	3,021
127	CAISR EQUIPMENT .....	30,146	30,146	45	EOD SYSTEMS .....	44,700	44,700	47	VC-25A MOD .....	48,624	48,624
128	ENVIRONMENTAL SUPPORT EQUIP-				<b>MATERIALS HANDLING EQUIPMENT</b>			48	C-40 .....	256	256
	MENT .....	21,986	21,986	46	PHYSICAL SECURITY EQUIPMENT ...	15,404	15,404	49	C-130 .....	52,066	52,066
129	PHYSICAL SECURITY EQUIPMENT ...	160,046	160,046		<b>GENERAL PROPERTY</b>			50	C-130J MODS .....	141,686	141,686
130	ENTERPRISE INFORMATION TECH-			47	FIELD MEDICAL EQUIPMENT .....	2,898	2,898	51	C-135 .....	124,491	124,491
	NOLOGY .....	56,899	56,899	48	TRAINING DEVICES .....	149,567	149,567	53	COMPASS CALL .....	110,754	110,754
	<b>OTHER</b>			49	FAMILY OF CONSTRUCTION EQUIP-			54	COMBAT FLIGHT INSPECTION—CFIN	508	508
133	NEXT GENERATION ENTERPRISE				MENT .....	35,622	35,622	55	RC-135 .....	227,673	227,673
	SERVICE .....	122,832	122,832	50	ULTRA-LIGHT TACTICAL VEHICLE			56	E-3 .....	216,299	216,299
	<b>CLASSIFIED PROGRAMS</b>				(ULTV) .....	647	647	57	E-4 .....	58,477	58,477
999	CLASSIFIED PROGRAMS .....	16,346	16,346		<b>OTHER SUPPORT</b>			58	E-8 .....	28,778	58,778
	<b>SPARES AND REPAIR PARTS</b>			51	ITEMS LESS THAN \$5 MILLION .....	10,956	10,956		SATCOM radios .....		[30,000]
134	SPARES AND REPAIR PARTS .....	375,608	375,608		<b>SPARES AND REPAIR PARTS</b>			59	AIRBORNE WARNING AND CNTRL		
	<b>TOTAL OTHER PROCUREMENT, NAVY</b>	<b>9,652,956</b>	<b>9,489,133</b>	52	SPARES AND REPAIR PARTS .....	33,470	33,470		SYS (AWACS) 40/45 .....	36,000	36,000
					<b>TOTAL PROCUREMENT, MARINE</b>			60	FAMILY OF BEYOND LINE-OF-SIGHT		
	<b>PROCUREMENT, MARINE CORPS</b>				<b>CORPS .....</b>	<b>3,090,449</b>	<b>3,090,449</b>		TERMINALS .....	7,910	7,910
	<b>TRACKED COMBAT VEHICLES</b>				<b>AIRCRAFT PROCUREMENT, AIR</b>			61	H-1 .....	3,817	3,817
1	AAV7A1 PIP .....	39,495	39,495		<b>FORCE</b>			62	H-60 .....	20,879	20,879
2	AMPHIBIOUS COMBAT VEHICLE 1.1	317,935	317,935		<b>TACTICAL FORCES</b>			63	RQ-4 MODS .....	1,704	1,704
3	LAV PIP .....	60,734	60,734	1	F-35 .....	4,274,359	5,364,359	64	HC/MC-130 MODIFICATIONS .....	51,482	51,482
	<b>ARTILLERY AND OTHER WEAPONS</b>				UPL additional quantities .....		[1,090,000]	65	OTHER AIRCRAFT .....	50,098	50,098
4	155MM LIGHTWEIGHT TOWED HOW-			2	F-35 AP .....	655,500	811,500	66	MQ-9 MODS .....	383,594	383,594
	ITZER .....	25,065	25,065		UPL increase .....		[156,000]	68	CV-22 MODS .....	65,348	65,348
5	ARTILLERY WEAPONS SYSTEM .....	100,002	100,002	3	F-15E .....	1,050,000	888,000		<b>AIRCRAFT SPARES AND REPAIR</b>		
6	WEAPONS AND COMBAT VEHICLES				NRE cost on a non-develop-				<b>PARTS</b>		
	UNDER \$5 MILLION .....	31,945	31,945		mental A/C .....		[-162,000]	69	INITIAL SPARES/REPAIR PARTS .....	708,230	970,230
	<b>OTHER SUPPORT</b>				<b>TACTICAL AIRLIFT</b>				F-35 spares .....		[96,000]
7	MODIFICATION KITS .....	22,760	22,760	5	KC-46A MDAP .....	2,234,529	2,705,529		KC-46 spares .....		[141,000]
	<b>GUIDED MISSILES</b>				UPL additional quantities .....		[471,000]		RQ-4 .....		[25,000]
8	GROUND BASED AIR DEFENSE .....	175,998	175,998		<b>OTHER AIRLIFT</b>			72	<b>COMMON SUPPORT EQUIPMENT</b>		
9	ANTI-ARMOR MISSILE-JAVELIN .....	20,207	20,207	6	C-130J .....	12,156	12,156		AIRCRAFT REPLACEMENT SUPPORT		
10	FAMILY ANTI-ARMOR WEAPON SYS-			8	MC-130J .....	871,207	871,207		EQUIP .....	84,938	84,938
	TEMS (FOAWs) .....	21,913	21,913	9	MC-130J AP .....	40,000	40,000		<b>POST PRODUCTION SUPPORT</b>		
11	ANTI-ARMOR MISSILE-TOW .....	60,501	60,501		<b>HELICOPTERS</b>			73	B-2A .....	1,403	1,403
12	GUIDED MLRS ROCKET (GMLRS) ...	29,062	29,062	10	COMBAT RESCUE HELICOPTER .....	884,235	884,235	74	B-2B .....	42,234	42,234
	<b>COMMAND AND CONTROL SYSTEMS</b>				<b>MISSION SUPPORT AIRCRAFT</b>			75	B-52 .....	4,641	4,641
13	COMMON AVIATION COMMAND AND			11	C-37A .....	161,000	161,000	76	C-17A .....	124,805	124,805
	CONTROL SYSTEM (C) .....	37,203	37,203	12	CIVIL AIR PATROL A/C .....	2,767	2,767	79	F-15 .....	2,589	2,589
	<b>REPAIR AND TEST EQUIPMENT</b>				<b>OTHER AIRCRAFT</b>			81	F-16 .....	15,348	15,348
14	REPAIR AND TEST EQUIPMENT .....	55,156	55,156	14	TARGET DRONES .....	130,837	130,837	84	RQ-4 POST PRODUCTION CHARGES	47,246	47,246
	<b>OTHER SUPPORT (TEL)</b>			15	COMPASS CALL .....	114,095	114,095		<b>INDUSTRIAL PREPAREDNESS</b>		
15	MODIFICATION KITS .....	4,945	4,945	17	MQ-9 .....	189,205	189,205	86	INDUSTRIAL RESPONSIVENESS .....	17,705	17,705
	<b>COMMAND AND CONTROL SYSTEM</b>				<b>STRATEGIC AIRCRAFT</b>				<b>WAR CONSUMABLES</b>		
	(NON-TEL)			19	B-2A .....	9,582	9,582	87	WAR CONSUMABLES .....	32,102	32,102
16	ITEMS UNDER \$5 MILLION (COMM			20	B-1B .....	22,111	22,111		<b>OTHER PRODUCTION CHARGES</b>		
	& ELEC) .....	112,124	112,124	21	B-52 .....	69,648	69,648	88	OTHER PRODUCTION CHARGES .....	1,194,728	1,194,728
17	AIR OPERATIONS C2 SYSTEMS .....	17,408	17,408	22	LARGE AIRCRAFT INFRARED COUN-				<b>CLASSIFIED PROGRAMS</b>		
	<b>RADAR + EQUIPMENT (NON-TEL)</b>				TERMEASURES .....	43,758	43,758	999	CLASSIFIED PROGRAMS .....	34,193	34,193
18	RADAR SYSTEMS .....	329	329		<b>TACTICAL AIRCRAFT</b>				<b>TOTAL AIRCRAFT PROCUREMENT,</b>		
19	GROUND/AIR TASK ORIENTED			23	A-10 .....	132,069	132,069		<b>AIR FORCE .....</b>	<b>16,784,279</b>	<b>18,486,079</b>
	RADAR (G/ATOR) .....	273,022	273,022	24	E-11 BACN/HAG .....	70,027	70,027		<b>MISSILE PROCUREMENT, AIR</b>		
	<b>INTELL/COMM EQUIPMENT (NON-</b>			25	F-15 .....	481,073	328,073		<b>FORCE</b>		
	<b>TEL)</b>				ADCP unnecessary due to F-				<b>MISSILE REPLACEMENT EQUIP-</b>		
21	GCSS-MC .....	4,484	4,484		15X .....		[-75,100]		<b>MENT—BALLISTIC</b>		
22	FIRE SUPPORT SYSTEM .....	35,488	35,488		IFF unnecessary due to F-15X		[-29,600]	1	MISSILE REPLACEMENT EQ-BAL-		
23	INTELLIGENCE SUPPORT EQUIPMENT				Longerons unnecessary due to				LISTIC .....	55,888	55,888
25	UNMANNED AIR SYSTEMS (INTEL) ...	34,711	34,711		F-15X .....		[-24,600]		<b>TACTICAL</b>		
26	DCGS-MC .....	32,562	32,562		Radar unnecessary due to F-			2	REPLAC EQUIP & WAR		
	<b>OTHER SUPPORT (NON-TEL)</b>				15X .....		[-23,700]		CONSUMABLES .....	9,100	9,100

SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
3	JOINT AIR-TO-GROUND MUNITION ...	15,000	15,000		Transfer back to base fund- ing .....				Joint threat emitters .....		[28,000]
4	JOINT AIR-SURFACE STANDOFF MIS- SILE .....	482,525	482,525			[47,069]		33	MINIMUM ESSENTIAL EMERGENCY COMM N .....	132,648	132,648
6	SIDEWINDER (AIM-9X) .....	160,408	160,408	10	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	0	6,133	34	WIDE AREA SURVEILLANCE (WAS) ...	80,818	80,818
7	AMRAAM .....	332,250	332,250		Transfer back to base fund- ing .....		[6,133]	35	C3 COUNTERMEASURES .....	25,036	25,036
8	PREDATOR HELLFIRE MISSILE .....	118,860	118,860	11	SPARES AND REPAIR PARTS .....	0	533	36	INTEGRATED PERSONNEL AND PAY SYSTEM .....	20,900	0
9	SMALL DIAMETER BOMB .....	275,438	275,438		Transfer back to base fund- ing .....		[533]		Poor agile implementation ....		[-20,900]
10	SMALL DIAMETER BOMB II .....	212,434	212,434	12	MODIFICATIONS .....	0	1,291	37	GCSS-AF FOS .....	11,226	11,226
	<b>INDUSTRIAL FACILITIES</b>				Transfer back to base fund- ing .....		[1,291]	38	DEFENSE ENTERPRISE ACCOUNTING & MGT SYS .....	1,905	1,905
11	INDUSTRIAL PREPAREDNESS/POL PRE- VENTION .....	801	801	13	ITEMS LESS THAN \$5,000,000 .....	0	1,677	39	MAINTENANCE REPAIR & OVERHAUL INITIATIVE .....	1,912	1,912
	<b>CLASS IV</b>				Transfer back to base fund- ing .....		[1,677]	40	THEATER BATTLE MGT C2 SYSTEM	6,337	6,337
12	ICBM FUZE MOD .....	5,000	5,000		<b>FLARES</b>			41	AIR & SPACE OPERATIONS CENTER (AOC) .....	33,243	33,243
13	ICBM FUZE MOD AP .....	14,497	14,497	15	FLARES .....	0	36,116		<b>AIR FORCE COMMUNICATIONS</b>		
14	MM III MODIFICATIONS .....	50,831	59,731		Transfer back to base fund- ing .....		[36,116]	43	BASE INFORMATION TRANSP INFRAST (BITI) WIRED .....	69,530	69,530
	Air Force requested transfer ..		[8,900]		<b>FUZES</b>			44	AFNET .....	147,063	147,063
15	AGM-65D MAVERICK .....	294	294	16	FUZES .....	0	1,734	45	JOINT COMMUNICATIONS SUPPORT ELEMENT (UCSE) .....	6,505	6,505
16	AIR LAUNCH CRUISE MISSILE (ALCM) .....	77,387	68,487		Transfer back to base fund- ing .....		[1,734]	46	USCENTCOM .....	20,190	20,190
	Air Force requested transfer ..		[-8,900]		<b>SMALL ARMS</b>			47	USSTRATCOM .....	11,244	11,244
	<b>MISSILE SPARES AND REPAIR PARTS</b>			17	SMALL ARMS .....	0	37,496		<b>ORGANIZATION AND BASE</b>		
18	MSL SPRS/REPAIR PARTS (INITIAL)	1,910	1,910		Transfer back to base fund- ing .....		[37,496]	48	TACTICAL C-E EQUIPMENT .....	143,757	143,757
19	REPLEN SPARES/REPAIR PARTS .....	82,490	82,490		<b>TOTAL PROCUREMENT OF AMMUNI- TION, AIR FORCE</b> .....	<b>0</b>	<b>1,667,961</b>	50	RADIO EQUIPMENT .....	15,402	15,402
	<b>SPECIAL PROGRAMS</b>							51	CCTV/AUDIOVISUAL EQUIPMENT .....	3,211	3,211
23	SPECIAL UPDATE PROGRAMS .....	144,553	144,553		<b>OTHER PROCUREMENT, AIR FORCE</b>			52	BASE COMM INFRASTRUCTURE .....	43,123	43,123
	<b>CLASSIFIED PROGRAMS</b>				<b>PASSENGER CARRYING VEHICLES</b>				<b>MODIFICATIONS</b>		
999	CLASSIFIED PROGRAMS .....	849,521	849,521	1	PASSENGER CARRYING VEHICLES ...	15,238	15,238	53	COMM ELECT MODS .....	14,500	14,500
	<b>TOTAL MISSILE PROCUREMENT, AIR FORCE</b> .....	<b>2,889,187</b>	<b>2,889,187</b>		<b>CARGO AND UTILITY VEHICLES</b>				<b>PERSONAL SAFETY &amp; RESCUE EQUIP</b>		
	<b>SPACE PROCUREMENT, AIR FORCE</b>			2	MEDIUM TACTICAL VEHICLE .....	34,616	34,616	54	PERSONAL SAFETY AND RESCUE EQUIPMENT .....	50,634	50,634
	<b>SPACE PROGRAMS</b>			3	CAP VEHICLES .....	1,040	1,040		<b>DEPOT PLANT+MTRLS HANDLING EQ</b>		
1	ADVANCED EHF .....	31,894	31,894	4	CARGO AND UTILITY VEHICLES .....	23,133	23,133	55	POWER CONDITIONING EQUIPMENT	11,000	11,000
2	AF SATELLITE COMM SYSTEM .....	56,298	56,298		<b>SPECIAL PURPOSE VEHICLES</b>			56	MECHANIZED MATERIAL HANDLING EQUIP .....	11,901	11,901
4	COUNTERSPACE SYSTEMS .....	5,700	5,700	5	JOINT LIGHT TACTICAL VEHICLE .....	32,027	32,027		<b>BASE SUPPORT EQUIPMENT</b>		
5	FAMILY OF BEYOND LINE-OF-SIGHT TERMINALS .....	34,020	34,020	6	SECURITY AND TACTICAL VEHICLES	1,315	1,315	57	BASE PROCURED EQUIPMENT .....	23,963	23,963
7	GENERAL INFORMATION TECH— SPACE .....	3,244	3,244	7	SPECIAL PURPOSE VEHICLES .....	14,593	14,593	58	ENGINEERING AND EOD EQUIPMENT	34,124	34,124
8	GPSIII FOLLOW ON .....	414,625	414,625		<b>FIRE FIGHTING EQUIPMENT</b>			59	MOBILITY EQUIPMENT .....	26,439	26,439
9	GPS III SPACE SEGMENT .....	31,466	31,466	8	FIRE FIGHTING/CRASH RESCUE VE- HICLES .....	28,604	28,604	60	FUELS SUPPORT EQUIPMENT (FSE)	24,255	24,255
12	SPACEBORNE EQUIP (COMSEC) .....	32,031	32,031		<b>MATERIALS HANDLING EQUIPMENT</b>			61	BASE MAINTENANCE AND SUPPORT EQUIPMENT .....	38,986	38,986
13	MILSATCOM .....	11,096	11,096	9	MATERIALS HANDLING VEHICLES ...	21,848	21,848		<b>SPECIAL SUPPORT PROJECTS</b>		
15	EVOLVED EXPENDABLE LAUNCH VEH(SPACE) .....	1,237,635	1,237,635	10	RUNWAY SNOW REMOV AND CLEANING EQU .....	2,925	2,925	63	DARPA RC135 .....	26,716	26,716
16	SBIR HIGH (SPACE) .....	233,952	233,952	11	BASE MAINTENANCE SUPPORT VE- HICLES .....	55,776	55,776	64	DCGS-AF .....	116,055	116,055
17	NUDET DETECTION SYSTEM .....	7,432	7,432		<b>COMM SECURITY EQUIP- MENT(COMSEC)</b>			66	SPECIAL UPDATE PROGRAM .....	835,148	835,148
18	ROCKET SYSTEMS LAUNCH PRO- GRAM .....	11,473	11,473	13	COMSEC EQUIPMENT .....	91,461	91,461		<b>CLASSIFIED PROGRAMS</b>		
19	SPACE FENCE .....	71,784	71,784		<b>INTELLIGENCE PROGRAMS</b>			999	CLASSIFIED PROGRAMS .....	17,637,807	18,292,807
20	SPACE MODS .....	106,330	106,330	14	INTERNATIONAL INTEL TECH & AR- CHITECTURES .....	11,386	11,386		Transfer back to base fund- ing .....		[655,000]
21	SPACELIFT RANGE SYSTEM SPACE ..	118,140	118,140	15	INTELLIGENCE TRAINING EQUIP- MENT .....	7,619	7,619		<b>SPARES AND REPAIR PARTS</b>		
	<b>SPARES</b>			16	INTELLIGENCE COMM EQUIPMENT ...	35,558	35,558	67	SPARES AND REPAIR PARTS .....	81,340	81,340
22	SPARES AND REPAIR PARTS .....	7,263	7,263		<b>ELECTRONICS PROGRAMS</b>				<b>TOTAL OTHER PROCUREMENT, AIR FORCE</b> .....	<b>20,687,857</b>	<b>21,349,957</b>
	<b>TOTAL SPACE PROCUREMENT, AIR FORCE</b> .....	<b>2,414,383</b>	<b>2,414,383</b>	17	AIR TRAFFIC CONTROL & LANDING SYS .....	17,939	17,939		<b>PROCUREMENT, DEFENSE-WIDE</b>		
	<b>PROCUREMENT OF AMMUNITION, AIR FORCE</b>			19	BATTLE CONTROL SYSTEM—FIXED	3,063	3,063	2	MAJOR EQUIPMENT .....	2,432	2,432
	<b>ROCKETS</b>			21	WEATHER OBSERVATION FORECAST	31,447	31,447		<b>MAJOR EQUIPMENT, DHRA</b>		
1	ROCKETS .....	0	133,268	22	STRATEGIC COMMAND AND CON- TROL .....	5,090	5,090	3	PERSONNEL ADMINISTRATION .....	5,030	5,030
	Transfer back to base fund- ing .....		[133,268]	23	CHEYENNE MOUNTAIN COMPLEX .....	10,145	10,145		<b>MAJOR EQUIPMENT, DISA</b>		
	<b>CARTRIDGES</b>			24	MISSION PLANNING SYSTEMS .....	14,508	14,508	8	INFORMATION SYSTEMS SECURITY ..	3,318	4,718
2	CARTRIDGES .....	0	140,449	26	INTEGRATED STRAT PLAN & ANALY NETWORK (ISPAN) .....	9,901	9,901		Sharkseer transfer .....		[1,400]
	Transfer back to base fund- ing .....		[140,449]		<b>SPCL COMM-ELECTRONICS PROJECTS</b>			9	TELEPORT PROGRAM .....	25,103	25,103
	<b>BOMBS</b>			27	GENERAL INFORMATION TECH- NOLOGY .....	26,933	26,933	10	ITEMS LESS THAN \$5 MILLION .....	26,416	26,416
3	PRACTICE BOMBS .....	0	29,313	28	AF GLOBAL COMMAND & CONTROL SYS .....	2,756	2,756	12	DEFENSE INFORMATION SYSTEM NETWORK .....	17,574	17,574
	Transfer back to base fund- ing .....		[29,313]	29	BATTLEFIELD AIRBORNE CONTROL NODE (BACN) .....	48,478	48,478	14	WHITE HOUSE COMMUNICATION AGENCY .....	45,079	45,079
4	GENERAL PURPOSE BOMBS .....	0	85,885	30	MOBILITY COMMAND AND CONTROL	21,186	21,186	15	SENIOR LEADERSHIP ENTERPRISE ..	78,669	78,669
	Transfer back to base fund- ing .....		[85,885]	31	AIR FORCE PHYSICAL SECURITY SYSTEM .....	178,361	178,361	16	JOINT REGIONAL SECURITY STACKS (JRSS) .....	88,000	88,000
6	JOINT DIRECT ATTACK MUNITION ...	0	1,066,224		COMBAT TRAINING RANGES .....	233,993	261,993	17	JOINT SERVICE PROVIDER .....	107,907	107,907
	Transfer back to base fund- ing .....		[1,066,224]						<b>MAJOR EQUIPMENT, DLA</b>		
7	B61 .....	0	80,773					19	MAJOR EQUIPMENT .....	8,122	8,122
	Transfer back to base fund- ing .....		[80,773]						<b>MAJOR EQUIPMENT, DMACT</b>		
	<b>OTHER ITEMS</b>							20	MAJOR EQUIPMENT .....	10,961	10,961
9	CAD/PAD .....	0	47,069						<b>MAJOR EQUIPMENT, DODEA</b>		

SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4101. PROCUREMENT (In Thousands of Dollars)				SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	
21	AUTOMATION/EDUCATIONAL SUP- PORT & LOGISTICS .....	1,320	1,320		<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>			15	LETHAL MINIATURE AERIAL MISSILE SYSTEM (LMAMS) .....	83,300	83,300	
	<b>MAJOR EQUIPMENT, DPAA</b>			1	JOINT URGENT OPERATIONAL NEEDS FUND .....	99,200	99,200		<b>MODIFICATIONS</b>			
22	MAJOR EQUIPMENT, DPAA .....	1,504	1,504		<b>TOTAL JOINT URGENT OPERATIONAL NEEDS FUND .....</b>	<b>99,200</b>	<b>99,200</b>	16	PATRIOT MODS .....	279,464	0	
	<b>MAJOR EQUIPMENT, DSS</b>				<b>TOTAL PROCUREMENT .....</b>	<b>118,888,737</b>	<b>135,071,365</b>		Transfer back to base fund- ing .....		[-279,464]	
23	MAJOR EQUIPMENT .....	496	496					17	ATACMS MODS .....	85,320	0	
	<b>MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY</b>								Transfer back to base fund- ing .....		[-85,320]	
25	VEHICLES .....	211	211		<b>SEC. 4102. PROCUREMENT FOR OVERSEAS CON- TINGENCY OPERATIONS.</b>			18	GMLRS MOD .....	5,094	0	
26	OTHER MAJOR EQUIPMENT .....	11,521	11,521		<b>SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)</b>				Transfer back to base fund- ing .....		[-5,094]	
	<b>MAJOR EQUIPMENT, MISSILE DE- FENSE AGENCY</b>							19	STINGER MODS .....	89,115	7,500	
28	THAAD .....	425,863	0		<b>Line</b>	<b>Item</b>	<b>FY 2020 Request</b>	<b>Senate Authorized</b>		Transfer back to base fund- ing .....		[-81,615]
	THAAD program transfer to Army .....		[-425,863]						20	AVENGER MODS .....	14,107	0
29	GROUND BASED MIDCOURSE .....	9,471	9,471		<b>AIRCRAFT PROCUREMENT, ARMY FIXED WING</b>					Transfer back to base fund- ing .....		[-14,107]
31	AEGIS BMD .....	600,773	600,773	3	MQ-1 UAV .....	54,000	54,000		21	ITAS/TOW MODS .....	3,469	0
32	AEGIS BMD AP .....	96,995	96,995		<b>ROTARY</b>					Transfer back to base fund- ing .....		[-3,469]
33	BMDS AN/TPY-2 RADARS .....	10,046	10,046	15	CH-47 HELICOPTER .....	25,000	25,000		22	MLRS MODS .....	387,019	348,000
34	ARROW 3 UPPER TIER SYSTEMS .....	55,000	55,000		<b>MODIFICATION OF AIRCRAFT</b>					Transfer back to base fund- ing .....		[-39,019]
35	SHORT RANGE BALLISTIC MISSILE DEFENSE (SRBMD) .....	50,000	50,000	21	MULTI SENSOR ABN RECON (MIP) ..	80,260	80,260		23	HIMARS MODIFICATIONS .....	12,483	0
36	AEGIS ASHORE PHASE III .....	25,659	25,659	24	GRCS SEMA MODS (MIP) .....	750	750			Transfer back to base fund- ing .....		[-12,483]
37	IRON DOME .....	95,000	95,000	26	EMARSS SEMA MODS (MIP) .....	22,180	22,180		24	<b>SPARES AND REPAIR PARTS</b>		
38	AEGIS BMD HARDWARE AND SOFT- WARE .....	124,986	124,986	27	UTILITY/CARGO AIRPLANE MODS ....	8,362	8,362			SPARES AND REPAIR PARTS .....	26,444	0
	<b>MAJOR EQUIPMENT, NSA</b>			29	NETWORK AND MISSION PLAN .....	10	10			Transfer back to base fund- ing .....		[-26,444]
44	INFORMATION SYSTEMS SECURITY PROGRAM (ISSP) .....	1,533	133	31	DEGRADED VISUAL ENVIRONMENT ..	49,450	49,450			<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>		
	Sharkster transfer .....		[-1,400]	37	CMWS .....	130,219	130,219		25	AIR DEFENSE TARGETS .....	10,593	0
	<b>MAJOR EQUIPMENT, OSD</b>			38	COMMON INFRARED COUNTER- MEASURES (CIRCM) .....	9,310	9,310			Transfer back to base fund- ing .....		[-10,593]
45	MAJOR EQUIPMENT, OSD .....	43,705	43,705	45	<b>OTHER SUPPORT</b>					<b>TOTAL MISSILE PROCUREMENT, ARMY .....</b>	<b>4,645,755</b>	<b>1,438,058</b>
46	MAJOR EQUIPMENT, TJS .....	6,905	6,905		LAUNCHER GUIDED MISSILE: LONGBOW HELLFIRE XM2 .....	2,000	2,000			<b>PROCUREMENT OF W&amp;TCV, ARMY TRACKED COMBAT VEHICLES</b>		
47	MAJOR EQUIPMENT—TJS CYBER ...	1,458	1,458		<b>TOTAL AIRCRAFT PROCUREMENT, ARMY .....</b>	<b>381,541</b>	<b>381,541</b>		2	ARMORED MULTI PURPOSE VEHICLE (AMPV) .....	221,638	221,638
49	MAJOR EQUIPMENT, WHS .....	507	507		<b>MISSILE PROCUREMENT, ARMY SURFACE-TO-AIR MISSILE SYSTEM</b>					<b>MODIFICATION OF TRACKED COM- BAT VEHICLES</b>		
	<b>CLASSIFIED PROGRAMS</b>			1	SYSTEM INTEGRATION AND TEST PROCUREMENT .....	113,857	0		3	STRYKER (MOD) .....	4,100	4,100
999	CLASSIFIED PROGRAMS .....	584,366	589,366		Transfer back to base fund- ing .....				8	IMPROVED RECOVERY VEHICLE (M88A2 HERCULES) .....	80,146	80,146
	Transfer back to base fund- ing .....		[5,000]	2	M-SHORAD—PROCUREMENT .....	262,100	158,300		13	M1 ABRAMS TANK (MOD) .....	13,100	13,100
	<b>AVIATION PROGRAMS</b>				Transfer back to base fund- ing .....					<b>WEAPONS &amp; OTHER COMBAT VEHI- CLES</b>		
53	ROTARY WING UPGRADES AND SUSTAINMENT .....	172,020	172,020	3	MSE MISSILE .....	736,541	37,938		15	M240 MEDIUM MACHINE GUN (7.62MM) .....	900	900
54	UNMANNED ISR .....	15,208	15,208		Transfer back to base fund- ing .....				16	MULTI-ROLE ANTI-ARMOR ANTI- PERSONNEL WEAPON S .....	2,400	2,400
55	NON-STANDARD AVIATION .....	32,310	32,310	2	INDIRECT FIRE PROTECTION CAPA- BILITY INC 2-I .....	9,337	0		19	MORTAR SYSTEMS .....	18,941	18,941
56	U-28 .....	10,898	10,898		Transfer back to base fund- ing .....				20	XM320 GRENADE LAUNCHER MOD- ULE (GLM) .....	526	526
57	MH-47 CHINOOK .....	173,812	173,812	3	Transfer back to base fund- ing .....				23	CARBINE .....	1,183	1,183
58	CV-22 MODIFICATION .....	17,256	17,256	4	Transfer back to base fund- ing .....				25	COMMON REMOTELY OPERATED WEAPONS STATION .....	4,182	4,182
59	MQ-9 UNMANNED AERIAL VEHICLE ..	5,338	5,338		Transfer back to base fund- ing .....				26	HANDGUN .....	248	248
60	PRECISION STRIKE PACKAGE .....	232,930	232,930		<b>AIR-TO-SURFACE MISSILE SYSTEM</b>					<b>MOD OF WEAPONS AND OTHER COMBAT VEH</b>		
61	AC/MC-130J .....	173,419	164,619	6	HELLFIRE SYS SUMMARY .....	429,549	236,265		31	M2 50 CAL MACHINE GUN MODS ...	6,090	6,090
	RFCM schedule delay .....		[-8,800]		Transfer back to base fund- ing .....					<b>TOTAL PROCUREMENT OF W&amp;TCV, ARMY .....</b>	<b>353,454</b>	<b>353,454</b>
62	C-130 MODIFICATIONS .....	15,582	15,582	7	JOINT AIR-TO-GROUND MSLS (JAGM) Transfer back to base fund- ing .....	233,353	0			<b>PROCUREMENT OF AMMUNITION, ARMY</b>		
	<b>SHIPBUILDING</b>				Transfer back to base fund- ing .....					<b>SMALL/MEDIUM CAL AMMUNITION</b>		
63	UNDERWATER SYSTEMS .....	58,991	58,991	8	Transfer back to base fund- ing .....				1	CTG, 5.56MM, ALL TYPES .....	69,516	567
	<b>AMMUNITION PROGRAMS</b>				Transfer back to base fund- ing .....					Transfer back to base fund- ing .....		[-68,949]
64	ORDNANCE ITEMS <\$5M .....	279,992	279,992	9	Transfer back to base fund- ing .....				2	CTG, 7.62MM, ALL TYPES .....	114,268	40
	<b>OTHER PROCUREMENT PROGRAMS</b>				Transfer back to base fund- ing .....					Transfer back to base fund- ing .....		[-114,228]
65	INTELLIGENCE SYSTEMS .....	100,641	100,641	10	Transfer back to base fund- ing .....				3	CTG, HANDGUN, ALL TYPES .....	17,824	17
66	DISTRIBUTED COMMON GROUND/ SURFACE SYSTEMS .....	12,522	12,522		Transfer back to base fund- ing .....					Transfer back to base fund- ing .....		[-17,807]
67	OTHER ITEMS <\$5M .....	103,910	103,910		Transfer back to base fund- ing .....				4	CTG, .50 CAL, ALL TYPES .....	64,155	189
68	COMBATANT CRAFT SYSTEMS .....	33,088	33,088		Transfer back to base fund- ing .....					Transfer back to base fund- ing .....		[-63,966]
69	SPECIAL PROGRAMS .....	63,467	63,467		Transfer back to base fund- ing .....							
70	TACTICAL VEHICLES .....	77,832	77,832		Transfer back to base fund- ing .....							
71	WARRIOR SYSTEMS <\$5M .....	298,480	298,480		Transfer back to base fund- ing .....							
72	COMBAT MISSION REQUIREMENTS ..	19,702	19,702		Transfer back to base fund- ing .....							
73	GLOBAL VIDEO SURVEILLANCE AC- TIVITIES .....	4,787	4,787		Transfer back to base fund- ing .....							
74	OPERATIONAL ENHANCEMENTS IN- TELLIGENCE .....	8,175	8,175		Transfer back to base fund- ing .....							
75	OPERATIONAL ENHANCEMENTS .....	282,532	282,532		Transfer back to base fund- ing .....							
	<b>CBDP</b>				Transfer back to base fund- ing .....							
76	CHEMICAL BIOLOGICAL SITUATIONAL AWARENESS .....	162,406	162,406		Transfer back to base fund- ing .....							
77	CB PROTECTION & HAZARD MITIGA- TION .....	188,188	188,188		Transfer back to base fund- ing .....							
	<b>TOTAL PROCUREMENT, DEFENSE- WIDE .....</b>	<b>5,109,416</b>	<b>4,679,753</b>		Transfer back to base fund- ing .....							
	<b>JOINT URGENT OPERATIONAL NEEDS FUND</b>				Transfer back to base fund- ing .....							



SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
5	CTG, 20MM, ALL TYPES .....	35,920	0		Transfer back to base fund- ing .....		[-9,213]	97	COMPUTER BALLISTICS: LHMCB XM32 .....	570	570
	Transfer back to base fund- ing .....		[-35,920]	28	AMMUNITION PECULIAR EQUIPMENT Transfer back to base fund- ing .....	10,044	0	98	MORTAR FIRE CONTROL SYSTEM ... ELECT EQUIP—TACTICAL C2 SYS- TEMS .....	15,975	15,975
6	CTG, 25MM, ALL TYPES .....	8,990	0				[-10,044]	103	AIR & MSL DEFENSE PLANNING & CONTROL SYS .....		
	Transfer back to base fund- ing .....		[-8,990]	29	FIRST DESTINATION TRANSPOR- TATION (AMMO) .....	18,492	0		ELECT EQUIP—AUTOMATION .....	14,331	14,331
7	CTG, 30MM, ALL TYPES .....	93,713	24,900		Transfer back to base fund- ing .....		[-18,492]	112	ARMY TRAINING MODERNIZATION ...	6,014	6,014
	Transfer back to base fund- ing .....		[-68,813]	30	CLOSEOUT LIABILITIES .....	99	0	113	AUTOMATED DATA PROCESSING EQUIP .....	32,700	32,700
8	CTG, 40MM, ALL TYPES .....	103,952	0		Transfer back to base fund- ing .....		[-99]		CLASSIFIED PROGRAMS .....	8,200	0
	Transfer back to base fund- ing .....		[-103,952]		PRODUCTION BASE SUPPORT .....				Transfer back to base fund- ing .....		[-8,200]
	<b>MORTAR AMMUNITION</b> .....			31	INDUSTRIAL FACILITIES .....	474,511	0		<b>CHEMICAL DEFENSIVE EQUIPMENT</b> .....		
9	60MM MORTAR, ALL TYPES .....	50,580	0		Transfer back to base fund- ing .....		[-474,511]	124	FAMILY OF NON-LETHAL EQUIPMENT (FNLE) .....	25,480	25,480
	Transfer back to base fund- ing .....		[-50,580]	32	CONVENTIONAL MUNITIONS DEMILI- TARIZATION .....	202,512	0	125	BASE DEFENSE SYSTEMS (BDS) .....	47,110	47,110
10	81MM MORTAR, ALL TYPES .....	59,373	0		Transfer back to base fund- ing .....		[-202,512]	126	CBRN DEFENSE .....	18,711	18,711
	Transfer back to base fund- ing .....		[-59,373]	33	ARMS INITIATIVE .....	3,833	0		<b>BRIDGING EQUIPMENT</b> .....	4,884	4,884
11	120MM MORTAR, ALL TYPES .....	125,452	0		Transfer back to base fund- ing .....		[-3,833]	128	TACTICAL BRIDGING .....		
	Transfer back to base fund- ing .....		[-125,452]		<b>TOTAL PROCUREMENT OF AMMUNI- TION, ARMY</b> .....	<b>2,843,230</b>	<b>148,682</b>		<b>ENGINEER (NON-CONSTRUCTION) EQUIPMENT</b> .....		
	<b>TANK AMMUNITION</b> .....				<b>OTHER PROCUREMENT, ARMY</b> .....			133	GRND STANDOFF MINE DETECTN SYSM (GSTAMIDS) .....	4,500	4,500
12	CARTRIDGES, TANK, 105MM AND 120MM, ALL TYPES .....	171,284	0		<b>TACTICAL VEHICLES</b> .....			135	HUSKY MOUNTED DETECTION SYS- TEM (HMDS) .....	34,253	34,253
	Transfer back to base fund- ing .....		[-171,284]	10	FAMILY OF HEAVY TACTICAL VEHI- CLES (FHTV) .....	26,917	26,917	136	ROBOTIC COMBAT SUPPORT SYS- TEM (RCSS) .....	3,300	3,300
	<b>ARTILLERY AMMUNITION</b> .....				PLS ESP .....	16,941	16,941	140	RENDER SAF SETS KITS OUTFITS .. COMBAT SERVICE SUPPORT EQUIP- MENT .....	84,000	84,000
13	ARTILLERY CARTRIDGES, 75MM & 105MM, ALL TYPES .....	44,675	0	11	PLS ESP .....	16,941	16,941	143	HEATERS AND ECU'S .....	8	8
	Transfer back to base fund- ing .....		[-44,675]	12	HVY EXPANDED MOBILE TACTICAL TRUCK EXT SERV .....	62,734	62,734	145	PERSONNEL RECOVERY SUPPORT SYSTEM (PRSS) .....	5,101	5,101
14	ARTILLERY PROJECTILE, 155MM, ALL TYPES .....	266,037	0	14	TACTICAL WHEELED VEHICLE PRO- TECTION KITS .....	50,000	50,000	146	GROUND SOLDIER SYSTEM .....	1,760	1,760
	Transfer back to base fund- ing .....		[-266,037]	15	MODIFICATION OF IN SVC EQUIP ....	28,000	28,000	148	FORCE PROVIDER .....	56,400	56,400
15	PROJ 155MM EXTENDED RANGE M982 .....	93,486	36,052	22	TACTICAL NETWORK TECHNOLOGY MOD IN SVC .....	40,000	40,000	150	CARGO AERIAL DEL & PERSONNEL PARACHUTE SYSTEM .....	2,040	2,040
	Transfer back to base fund- ing .....		[-57,434]		<b>COMM—SATELLITE COMMUNICA- TIONS</b> .....				<b>PETROLEUM EQUIPMENT</b> .....		
16	ARTILLERY PROPELLANTS, FUZES AND PRIMERS, ALL .....	278,873	7,271	29	TRANSPORTABLE TACTICAL COM- MAND COMMUNICATIONS .....	6,930	6,930	154	DISTRIBUTION SYSTEMS, PETRO- LEUM & WATER .....	13,986	13,986
	Transfer back to base fund- ing .....		[-271,602]	31	ASSURED POSITIONING, NAVIGATION AND TIMING .....	11,778	11,778		<b>MEDICAL EQUIPMENT</b> .....		
	<b>MINES</b> .....			32	SMART-T (SPACE) .....	825	825	155	COMBAT SUPPORT MEDICAL .....	2,735	2,735
17	MINES & CLEARING CHARGES, ALL TYPES .....	55,433	0		<b>COMM—COMBAT COMMUNICA- TIONS</b> .....				<b>CONSTRUCTION EQUIPMENT</b> .....		
	Transfer back to base fund- ing .....		[-55,433]	40	RADIO TERMINAL SET, MIDS LVT(2) COTS COMMUNICATIONS EQUIP- MENT .....	350	350	159	SCRAPERS, EARTHMOVING .....	4,669	4,669
	<b>ROCKETS</b> .....			47		20,400	20,400	160	LOADERS .....	380	380
18	SHOULDER LAUNCHED MUNITIONS, ALL TYPES .....	75,054	176	48	FAMILY OF MED COMM FOR COM- BAT CASUALTY CARE .....	1,231	1,231	162	TRACTOR, FULL TRACKED .....	8,225	8,225
	Transfer back to base fund- ing .....		[-74,878]		<b>COMM—INTELLIGENCE COMM</b> .....			164	HIGH MOBILITY ENGINEER EXCA- VATOR (HME) .....	3,000	3,000
19	ROCKET, HYDRA 70, ALL TYPES .....	255,453	79,459	51	CI AUTOMATION ARCHITECTURE (MIP) .....	6,200	6,200	166	CONST EQUIP ESP .....	3,870	3,870
	Transfer back to base fund- ing .....		[-175,994]		<b>COMM—LONG HAUL COMMUNICA- TIONS</b> .....			167	ITEMS LESS THAN \$5.0M (CONST EQUIP) .....	350	350
	<b>OTHER AMMUNITION</b> .....			59	BASE SUPPORT COMMUNICATIONS <b>COMM—BASE COMMUNICATIONS</b> .....	20,482	20,482	171	<b>GENERATORS</b> .....		
20	CAD/PAD, ALL TYPES .....	7,595	0	60	INFORMATION SYSTEMS .....	55,800	55,800		GENERATORS AND ASSOCIATED EQUIP .....	2,436	2,436
	Transfer back to base fund- ing .....		[-7,595]	63	INSTALLATION INFO INFRASTRUC- TURE MOD PROGRAM .....	75,820	75,820		<b>MATERIAL HANDLING EQUIPMENT</b> .....		
21	DEMOLITION MUNITIONS, ALL TYPES Transfer back to base fund- ing .....	51,651	0		<b>ELECT EQUIP—TACT INT REL ACT (TIARA)</b> .....			173	FAMILY OF FORKLIFTS .....	5,152	5,152
			[-51,651]	68	DCGS-A (MIP) .....	38,613	38,613		<b>TRAINING EQUIPMENT</b> .....		
22	GRENADERS, ALL TYPES .....	40,592	0	70	TROJAN (MIP) .....	1,337	1,337	175	TRAINING DEVICES, NONSYSTEM ....	2,106	2,106
	Transfer back to base fund- ing .....		[-40,592]	71	MOD OF IN-SVC EQUIP (INTEL SPT) (MIP) .....	2,051	2,051		<b>TEST MEASURE AND DIG EQUIP- MENT (TMD)</b> .....		
23	SIGNALS, ALL TYPES .....	18,609	0	75	BIOMETRIC TACTICAL COLLECTION DEVICES (MIP) .....	1,800	1,800	181	INTEGRATED FAMILY OF TEST EQUIPMENT (IFTE) .....	1,395	1,395
	Transfer back to base fund- ing .....		[-18,609]		<b>ELECT EQUIP—ELECTRONIC WAR- FARE (EW)</b> .....				<b>OTHER SUPPORT EQUIPMENT</b> .....		
24	SIMULATORS, ALL TYPES .....	16,054	0	82	FAMILY OF PERSISTENT SURVEIL- LANCE CAP. (MIP) .....	71,493	71,493	184	RAPID EQUIPPING SOLDIER SUP- PORT EQUIPMENT .....	24,122	24,122
	Transfer back to base fund- ing .....		[-16,054]	83	COUNTERINTELLIGENCE/SECURITY COUNTERMEASURES .....	6,917	6,917	185	PHYSICAL SECURITY SYSTEMS (OPA3) .....	10,016	10,016
	<b>MISCELLANEOUS</b> .....				<b>ELECT EQUIP—TACTICAL SURV. (TAC SURV)</b> .....			187	MODIFICATION OF IN-SVC EQUIP- MENT (OPA-3) .....	33,354	33,354
25	AMMO COMPONENTS, ALL TYPES ....	5,261	0	85	SENTINEL MODS .....	20,000	20,000	189	BUILDING, PRE-FAB, RELOCATABLE <b>TOTAL OTHER PROCUREMENT, ARMY</b> .....	62,654	62,654
	Transfer back to base fund- ing .....		[-5,261]	86	NIGHT VISION DEVICES .....	3,676	3,676		<b>AIRCRAFT PROCUREMENT, NAVY OTHER AIRCRAFT</b> .....		
26	NON-LETHAL AMMUNITION, ALL TYPES .....	715	0	94	JOINT BATTLE COMMAND—PLAT- FORM (JBC-P) .....	25,568	25,568	26	STUASLO UAV .....	7,921	7,921
	Transfer back to base fund- ing .....		[-715]					27	MQ-9A REAPER .....	77,000	77,000
27	ITEMS LESS THAN \$5 MILLION (AMMO) .....	9,224	11						<b>MODIFICATION OF AIRCRAFT</b> .....		
								36	EP-3 SERIES .....	5,488	5,488
								46	SPECIAL PROJECT AIRCRAFT .....	3,498	3,498

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51	COMMON ECM EQUIPMENT .....	3,406	3,406		Transfer back to base fund- ing .....		[-109,427]	6	CARTRIDGES & CART ACTUATED DEVICES .....	60,819	15,081
53	COMMON DEFENSIVE WEAPON SYS- TEM .....	3,274	3,274		<b>TORPEDOES AND RELATED EQUIP</b>				Transfer back to base fund- ing .....		[-45,738]
62	QRC .....	18,458	18,458	28	SSTD .....	5,561	0	7	AIR EXPENDABLE COUNTER- MEASURES .....	94,212	16,911
	<b>TOTAL AIRCRAFT PROCUREMENT, NAVY .....</b>	<b>119,045</b>	<b>119,045</b>		Transfer back to base fund- ing .....		[-5,561]		Transfer back to base fund- ing .....		[-77,301]
	<b>WEAPONS PROCUREMENT, NAVY MODIFICATION OF MISSILES</b>			29	MK-48 TORPEDO .....	114,000	0	8	JATOS .....	7,262	0
1	TRIDENT II MODS .....	1,177,251	0		Transfer back to base fund- ing .....		[-114,000]		Transfer back to base fund- ing .....		[-7,262]
	Transfer back to base fund- ing .....		[-1,177,251]	30	ASW TARGETS .....	15,095	0	9	5 INCH/54 GUN AMMUNITION .....	22,594	0
	<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>				Transfer back to base fund- ing .....		[-15,095]		Transfer back to base fund- ing .....		[-22,594]
2	MISSILE INDUSTRIAL FACILITIES .....	7,142	0		<b>MOD OF TORPEDOES AND RELATED EQUIP</b>			10	INTERMEDIATE CALIBER GUN AM- MUNITION .....	37,193	0
	Transfer back to base fund- ing .....		[-7,142]	31	MK-54 TORPEDO MODS .....	119,453	0		Transfer back to base fund- ing .....		[-37,193]
	<b>STRATEGIC MISSILES</b>				Transfer back to base fund- ing .....		[-119,453]	11	OTHER SHIP GUN AMMUNITION .....	42,753	3,262
3	TOMAHAWK .....	386,730	0	32	MK-48 TORPEDO ADCAP MODS .....	39,508	0		Transfer back to base fund- ing .....		[-39,491]
	Transfer back to base fund- ing .....		[-386,730]		Transfer back to base fund- ing .....		[-39,508]	12	SMALL ARMS & LANDING PARTY AMMO .....	48,906	1,010
	<b>TACTICAL MISSILES</b>			33	QUICKSTRIKE MINE .....	5,183	0		Transfer back to base fund- ing .....		[-47,896]
4	AMRAAM .....	224,502	0		Transfer back to base fund- ing .....		[-5,183]	13	PYROTECHNIC AND DEMOLITION .....	11,158	537
	Transfer back to base fund- ing .....		[-224,502]		<b>SUPPORT EQUIPMENT</b>				Transfer back to base fund- ing .....		[-10,621]
5	SIDEWINDER .....	119,456	0	34	TORPEDO SUPPORT EQUIPMENT .....	79,028	0	15	AMMUNITION LESS THAN \$5 MIL- LION .....	2,386	0
	Transfer back to base fund- ing .....		[-119,456]		Transfer back to base fund- ing .....		[-79,028]		Transfer back to base fund- ing .....		[-2,386]
7	STANDARD MISSILE .....	404,523	0	35	ASW RANGE SUPPORT .....	3,890	0		<b>MARINE CORPS AMMUNITION</b>		
	Transfer back to base fund- ing .....		[-404,523]		Transfer back to base fund- ing .....		[-3,890]	16	MORTARS .....	57,473	1,930
8	STANDARD MISSILE AP .....	96,085	0		<b>DESTINATION TRANSPORTATION</b>				Transfer back to base fund- ing .....		[-55,543]
	Transfer back to base fund- ing .....		[-96,085]	36	FIRST DESTINATION TRANSPOR- TATION .....	3,803	0	17	DIRECT SUPPORT MUNITIONS .....	132,937	1,172
9	SMALL DIAMETER BOMB II .....	118,466	0		Transfer back to base fund- ing .....		[-3,803]		Transfer back to base fund- ing .....		[-131,765]
	Transfer back to base fund- ing .....		[-118,466]		<b>GUNS AND GUN MOUNTS</b>			18	INFANTRY WEAPONS AMMUNITION ..	80,214	2,158
10	RAM .....	106,765	0	37	SMALL ARMS AND WEAPONS .....	14,797	0		Transfer back to base fund- ing .....		[-78,056]
	Transfer back to base fund- ing .....		[-106,765]		Transfer back to base fund- ing .....		[-14,797]	19	COMBAT SUPPORT MUNITIONS .....	41,013	965
11	JOINT AIR GROUND MISSILE (JAGM) ..	90,966	90,966		<b>MODIFICATION OF GUNS AND GUN MOUNTS</b>				Transfer back to base fund- ing .....		[-40,048]
12	HELLFIRE .....	1,525	0	38	CIWS MODS .....	44,126	0	20	AMMO MODERNIZATION .....	14,325	0
	Transfer back to base fund- ing .....		[-1,525]		Transfer back to base fund- ing .....		[-44,126]		Transfer back to base fund- ing .....		[-14,325]
15	AERIAL TARGETS .....	152,380	6,500	39	COAST GUARD WEAPONS .....	44,980	0	21	ARTILLERY MUNITIONS .....	220,923	32,047
	Transfer back to base fund- ing .....		[-145,880]		Transfer back to base fund- ing .....		[-44,980]		Transfer back to base fund- ing .....		[-188,876]
16	DRONES AND DECOYS .....	20,000	0	40	GUN MOUNT MODS .....	66,376	0	22	ITEMS LESS THAN \$5 MILLION .....	4,521	0
	Transfer back to base fund- ing .....		[-20,000]		Transfer back to base fund- ing .....		[-66,376]		Transfer back to base fund- ing .....		[-4,521]
17	OTHER MISSILE SUPPORT .....	3,388	0	41	LCS MODULE WEAPONS .....	14,585	0		<b>TOTAL PROCUREMENT OF AMMO, NAVY &amp; MC .....</b>	<b>1,186,128</b>	<b>204,814</b>
	Transfer back to base fund- ing .....		[-3,388]		Transfer back to base fund- ing .....		[-14,585]		<b>OTHER PROCUREMENT, NAVY OTHER SHIPBOARD EQUIPMENT</b>		
18	LRASM .....	143,200	0	43	AIRBORNE MINE NEUTRALIZATION SYSTEMS .....	7,160	0	20	UNDERWATER EOD PROGRAMS .....	5,800	5,800
	Transfer back to base fund- ing .....		[-143,200]		Transfer back to base fund- ing .....		[-7,160]		<b>ASW ELECTRONIC EQUIPMENT</b>		
19	LCS OTH MISSILE .....	38,137	0		<b>SPARES AND REPAIR PARTS</b>			42	FIXED SURVEILLANCE SYSTEM .....	310,503	310,503
	Transfer back to base fund- ing .....		[-38,137]	45	SPARES AND REPAIR PARTS .....	126,138	0		<b>SONOBUOYS</b>		
	<b>MODIFICATION OF MISSILES</b>				Transfer back to base fund- ing .....		[-126,138]	85	SONOBUOYS—ALL TYPES .....	2,910	2,910
20	ESSM .....	128,059	0		<b>TOTAL WEAPONS PROCUREMENT, NAVY .....</b>	<b>4,332,710</b>	<b>97,466</b>		<b>AIRCRAFT SUPPORT EQUIPMENT</b>		
	Transfer back to base fund- ing .....		[-128,059]		<b>PROCUREMENT OF AMMO, NAVY &amp; MC</b>			88	AIRCRAFT SUPPORT EQUIPMENT .....	13,420	13,420
21	HARPOON MODS .....	25,447	0		<b>NAVY AMMUNITION</b>			94	AVIATION SUPPORT EQUIPMENT .....	500	500
	Transfer back to base fund- ing .....		[-25,447]	1	GENERAL PURPOSE BOMBS .....	63,006	26,978		<b>OTHER ORDNANCE SUPPORT EQUIPMENT</b>		
22	HARM MODS .....	183,740	0		Transfer back to base fund- ing .....		[-36,028]	103	EXPLOSIVE ORDNANCE DISPOSAL EQUIP .....	15,307	15,307
	Transfer back to base fund- ing .....		[-183,740]	2	JDAM .....	82,676	12,263		<b>CIVIL ENGINEERING SUPPORT EQUIPMENT</b>		
23	STANDARD MISSILES MODS .....	22,500	0		Transfer back to base fund- ing .....		[-70,413]	108	PASSENGER CARRYING VEHICLES ...	173	173
	Transfer back to base fund- ing .....		[-22,500]	3	AIRBORNE ROCKETS, ALL TYPES .....	76,776	45,020	109	GENERAL PURPOSE TRUCKS .....	408	408
	<b>SUPPORT EQUIPMENT &amp; FACILI- TIES</b>				Transfer back to base fund- ing .....		[-31,756]	111	FIRE FIGHTING EQUIPMENT .....	785	785
24	WEAPONS INDUSTRIAL FACILITIES ...	1,958	0	4	MACHINE GUN AMMUNITION .....	38,370	33,577		<b>SUPPLY SUPPORT EQUIPMENT</b>		
	Transfer back to base fund- ing .....		[-1,958]		Transfer back to base fund- ing .....		[-4,793]	117	SUPPLY EQUIPMENT .....	100	100
25	FLEET SATELLITE COMM FOLLOW- ON .....	67,380	0	5	PRACTICE BOMBS .....	46,611	11,903	118	FIRST DESTINATION TRANSPOR- TATION .....	510	510
	Transfer back to base fund- ing .....		[-67,380]		Transfer back to base fund- ing .....		[-34,708]		<b>COMMAND SUPPORT EQUIPMENT</b>		
	<b>ORDNANCE SUPPORT EQUIPMENT</b>							122	COMMAND SUPPORT EQUIPMENT .....	2,800	2,800
27	ORDNANCE SUPPORT EQUIPMENT ...	109,427	0					123	MEDICAL SUPPORT EQUIPMENT .....	1,794	1,794

SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)				SEC. 4102. PROCUREMENT FOR OVERSEAS CONTINGENCY OPERATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
126	OPERATING FORCES SUPPORT EQUIPMENT .....	1,090	1,090		Transfer back to base fund- ing .....		[–1,066,224]	48	ORGANIZATION AND BASE TACTICAL C-E EQUIPMENT .....	306	306
128	ENVIRONMENTAL SUPPORT EQUIP- MENT .....	200	200	7	B61 .....	80,773	0	52	BASE COMM INFRASTRUCTURE .....	4,300	4,300
129	PHYSICAL SECURITY EQUIPMENT ....	1,300	1,300		Transfer back to base fund- ing .....		[–80,773]		PERSONAL SAFETY & RESCUE EQUIP		
	TOTAL OTHER PROCUREMENT, NAVY	357,600	357,600		OTHER ITEMS			54	PERSONAL SAFETY AND RESCUE EQUIPMENT .....	22,200	22,200
	PROCUREMENT, MARINE CORPS			9	CAD/PAD .....	47,069	0		BASE SUPPORT EQUIPMENT		
	GUIDED MISSILES				Transfer back to base fund- ing .....		[–47,069]	59	MOBILITY EQUIPMENT .....	26,535	26,535
12	GUIDED MLRS ROCKET (GMLRS) ....	16,919	16,919	10	EXPLOSIVE ORDNANCE DISPOSAL (EOD) .....	6,133	0	60	FUELS SUPPORT EQUIPMENT (FSE)	4,040	4,040
	ENGINEER AND OTHER EQUIPMENT				Transfer back to base fund- ing .....		[–6,133]	61	BASE MAINTENANCE AND SUPPORT EQUIPMENT .....	20,067	20,067
45	EOD SYSTEMS .....	3,670	3,670	11	SPARES AND REPAIR PARTS .....	533	0		CLASSIFIED PROGRAMS		
	TOTAL PROCUREMENT, MARINE CORPS .....	20,589	20,589		Transfer back to base fund- ing .....		[–533]		CLASSIFIED PROGRAMS .....	3,864,066	3,209,066
	AIRCRAFT PROCUREMENT, AIR FORCE			12	MODIFICATIONS .....	1,291	0		Transfer back to base fund- ing .....		[–655,000]
	OTHER AIRCRAFT				Transfer back to base fund- ing .....		[–1,291]		TOTAL OTHER PROCUREMENT, AIR FORCE .....	4,193,098	3,538,098
17	MQ–9 .....	172,240	172,240	13	ITEMS LESS THAN \$5,000,000 .....	1,677	0		PROCUREMENT, DEFENSE-WIDE		
18	RQ–20B PUMA .....	12,150	12,150		Transfer back to base fund- ing .....		[–1,677]		MAJOR EQUIPMENT, DISA		
	STRATEGIC AIRCRAFT				FLARES			9	TELEPORT PROGRAM .....	3,800	3,800
22	LARGE AIRCRAFT INFRARED COUN- TERMESURES .....	53,335	53,335	15	FLARES .....	129,388	93,272	12	DEFENSE INFORMATION SYSTEM NETWORK .....	12,000	12,000
	OTHER AIRCRAFT				Transfer back to base fund- ing .....		[–36,116]		MAJOR EQUIPMENT, DEFENSE THREAT REDUCTION AGENCY		
67	MQ–9 UAS PAYLOADS .....	19,800	19,800	16	FUZES .....	158,889	157,155	27	COUNTER IED & IMPROVISED THREAT TECHNOLOGIES .....	4,590	4,590
	AIRCRAFT SPARES AND REPAIR PARTS				Transfer back to base fund- ing .....		[–1,734]		CLASSIFIED PROGRAMS		
69	INITIAL SPARES/REPAIR PARTS .....	44,560	44,560	17	SMALL ARMS .....	43,591	6,095		CLASSIFIED PROGRAMS .....	56,380	51,380
	COMMON SUPPORT EQUIPMENT				Transfer back to base fund- ing .....		[–37,496]		Transfer back to base fund- ing .....		[–5,000]
72	AIRCRAFT REPLACEMENT SUPPORT EQUIP .....	7,025	7,025		TOTAL PROCUREMENT OF AMUNI- TION, AIR FORCE .....	2,607,394	939,433		AVIATION PROGRAMS		
	TOTAL AIRCRAFT PROCUREMENT, AIR FORCE .....	309,110	309,110		OTHER PROCUREMENT, AIR FORCE			50	MANNED ISR .....	5,000	5,000
	MISSILE PROCUREMENT, AIR FORCE				PASSENGER CARRYING VEHICLES			51	MC–12 .....	5,000	5,000
	TACTICAL				CARGO AND UTILITY VEHICLES			52	MH–60 BLACKHAWK .....	28,100	28,100
4	JOINT AIR–SURFACE STANDOFF MIS- SILE .....	20,900	20,900	1	PASSENGER CARRYING VEHICLES ...	1,276	1,276	54	UNMANNED ISR .....	8,207	8,207
8	PREDATOR HELLFIRE MISSILE .....	180,771	180,771	4	CARGO AND UTILITY VEHICLES .....	9,702	9,702	56	U–28 .....	31,500	31,500
	TOTAL MISSILE PROCUREMENT, AIR FORCE .....	201,671	201,671	5	SPECIAL PURPOSE VEHICLES .....	40,999	40,999	57	MH–47 CHINOOK .....	37,500	37,500
	PROCUREMENT OF AMMUNITION, AIR FORCE			7	SPECIAL PURPOSE VEHICLES .....	52,502	52,502	59	MQ–9 UNMANNED AERIAL VEHICLE	1,900	1,900
	ROCKETS				FIRE FIGHTING EQUIPMENT				AMMUNITION PROGRAMS		
1	ROCKETS .....	218,228	84,960	8	FIRE FIGHTING/CRAASH RESCUE VE- HICLES .....	16,652	16,652	64	ORDNANCE ITEMS <\$5M .....	138,252	138,252
	Transfer back to base fund- ing .....		[–133,268]		MATERIALS HANDLING EQUIPMENT				OTHER PROCUREMENT PROGRAMS		
	CARTRIDGES			9	MATERIALS HANDLING VEHICLES ....	2,944	2,944	65	INTELLIGENCE SYSTEMS .....	16,500	16,500
2	CARTRIDGES .....	193,091	52,642		BASE MAINTENANCE SUPPORT			67	OTHER ITEMS <\$5M .....	28	28
	Transfer back to base fund- ing .....		[–140,449]	10	RUNWAY SNOW REMOV AND CLEANING EQU .....	3,753	3,753	70	TACTICAL VEHICLES .....	2,990	2,990
	BOMBS			11	BASE MAINTENANCE SUPPORT VE- HICLES .....	11,837	11,837	71	WARRIOR SYSTEMS <\$5M .....	37,512	37,512
3	PRACTICE BOMBS .....	29,313	0		SPCL COMM–ELECTRONICS PROJECTS			72	COMBAT MISSION REQUIREMENTS ..	10,000	10,000
	Transfer back to base fund- ing .....		[–29,313]	27	GENERAL INFORMATION TECH- NOLOGY .....	5,000	5,000	74	OPERATIONAL ENHANCEMENTS IN- TELLIGENCE .....	7,594	7,594
4	GENERAL PURPOSE BOMBS .....	631,194	545,309	31	AIR FORCE PHYSICAL SECURITY SYSTEM .....	106,919	106,919	75	OPERATIONAL ENHANCEMENTS .....	45,194	45,194
	Transfer back to base fund- ing .....		[–85,885]						TOTAL PROCUREMENT, DEFENSE- WIDE .....	452,047	447,047
6	JOINT DIRECT ATTACK MUNITION ....	1,066,224	0						TOTAL PROCUREMENT .....	23,143,022	9,688,058

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION (In Thousands of Dollars)					
Line	Program Element	Item	FY 2020 Request	Senate Authorized	
	RESEARCH, DEVELOPMENT, TEST & EVAL, ARMY				
	BASIC RESEARCH				
2	0601102A	DEFENSE RESEARCH SCIENCES .....	297,976	302,976	
		Counter UAS University Research .....		[5,000]	
3	0601103A	UNIVERSITY RESEARCH INITIATIVES .....	65,858	65,858	
4	0601104A	UNIVERSITY AND INDUSTRY RESEARCH CENTERS .....	86,164	88,164	
		3D printing .....		[2,000]	
5	0601121A	CYBER COLLABORATIVE RESEARCH ALLIANCE .....	4,982	9,982	
		Cyber basic research .....		[5,000]	
	SUBTOTAL BASIC RESEARCH .....		454,980	466,980	
	APPLIED RESEARCH				
10	0602141A	LETHALITY TECHNOLOGY .....	26,961	26,961	
11	0602142A	ARMY APPLIED RESEARCH .....	25,319	25,319	
12	0602143A	SOLDIER LETHALITY TECHNOLOGY .....	115,274	118,274	
		UPL MDTF for INDOPACOM .....		[3,000]	

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
13	0602144A	GROUND TECHNOLOGY .....	35,199	41,699
		Advanced materials manufacturing process .....		[2,000]
		Biopolymer structural materials .....		[2,000]
		Cellulose structural materials .....		[2,500]
14	0602145A	NEXT GENERATION COMBAT VEHICLE TECHNOLOGY .....	219,047	234,047
		Support operational energy development and testing .....		[15,000]
15	0602146A	NETWORK C3I TECHNOLOGY .....	114,516	114,516
16	0602147A	LONG RANGE PRECISION FIRES TECHNOLOGY .....	74,327	86,327
		Composite tube and propulsion technology .....		[10,000]
		Novel printed armament components .....		[2,000]
17	0602148A	FUTURE VERTICLE LIFT TECHNOLOGY .....	93,601	93,601
18	0602150A	AIR AND MISSILE DEFENSE TECHNOLOGY .....	50,771	50,771
20	0602213A	C3I APPLIED CYBER .....	18,947	23,947
		Cyber research .....		[5,000]
38	0602785A	MANPOWER/PERSONNEL/TRAINING TECHNOLOGY .....	20,873	20,873
40	0602787A	MEDICAL TECHNOLOGY .....	99,155	102,155
		Female warfighter performance research .....		[3,000]
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>893,990</b>	<b>938,490</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
42	0603002A	MEDICAL ADVANCED TECHNOLOGY .....	42,030	42,030
47	0603007A	MANPOWER, PERSONNEL AND TRAINING ADVANCED TECHNOLOGY .....	11,038	11,038
50	0603117A	ARMY ADVANCED TECHNOLOGY DEVELOPMENT .....	63,338	63,338
51	0603118A	SOLDIER LETHALITY ADVANCED TECHNOLOGY .....	118,468	118,468
52	0603119A	GROUND ADVANCED TECHNOLOGY .....	12,593	32,593
		100 hour battery .....		[10,000]
		Computational manufacturing engineering .....		[2,000]
		Lightweight protective and hardening materials .....		[3,000]
		Robotic construction research .....		[5,000]
59	0603457A	C3I CYBER ADVANCED DEVELOPMENT .....	13,769	13,769
60	0603461A	HIGH PERFORMANCE COMPUTING MODERNIZATION PROGRAM .....	184,755	184,755
61	0603462A	NEXT GENERATION COMBAT VEHICLE ADVANCED TECHNOLOGY .....	160,035	185,035
		Ground vehicle sustainment research .....		[5,000]
		Hydrogen fuel cell propulsion & autonomous driving controls .....		[20,000]
62	0603463A	NETWORK C3I ADVANCED TECHNOLOGY .....	106,899	106,899
63	0603464A	LONG RANGE PRECISION FIRES ADVANCED TECHNOLOGY .....	174,386	178,386
		Hypersonics research .....		[4,000]
64	0603465A	FUTURE VERTICAL LIFT ADVANCED TECHNOLOGY .....	151,640	151,640
65	0603466A	AIR AND MISSILE DEFENSE ADVANCED TECHNOLOGY .....	60,613	60,613
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>1,099,564</b>	<b>1,148,564</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
73	0603305A	ARMY MISSILE DEFENSE SYSTEMS INTEGRATION .....	10,987	10,987
74	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .....	15,148	15,148
75	0603619A	LANDMINE WARFARE AND BARRIER—ADV DEV .....	92,915	92,915
77	0603639A	TANK AND MEDIUM CALIBER AMMUNITION .....	82,146	82,146
78	0603645A	ARMORED SYSTEM MODERNIZATION—ADV DEV .....	157,656	157,656
79	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	6,514	6,514
80	0603766A	TACTICAL ELECTRONIC SURVEILLANCE SYSTEM—ADV DEV .....	34,890	34,890
81	0603774A	NIGHT VISION SYSTEMS ADVANCED DEVELOPMENT .....	251,011	251,011
82	0603779A	ENVIRONMENTAL QUALITY TECHNOLOGY—DEM/VAL .....	15,132	15,132
83	0603790A	NATO RESEARCH AND DEVELOPMENT .....	5,406	5,406
84	0603801A	AVIATION—ADV DEV .....	459,290	534,890
		UPL FVL C53 program increase .....		[75,600]
85	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	6,254	6,254
86	0603807A	MEDICAL SYSTEMS—ADV DEV .....	31,175	31,175
87	0603827A	SOLDIER SYSTEMS—ADVANCED DEVELOPMENT .....	22,113	22,113
88	0604017A	ROBOTICS DEVELOPMENT .....	115,222	115,222
90	0604021A	ELECTRONIC WARFARE TECHNOLOGY MATURATION (MIP) .....	18,043	18,043
91	0604100A	ANALYSIS OF ALTERNATIVES .....	10,023	10,023
92	0604113A	FUTURE TACTICAL UNMANNED AIRCRAFT SYSTEM (FTUAS) .....	40,745	40,745
93	0604114A	LOWER TIER AIR MISSILE DEFENSE (LTAMD) SENSOR .....	427,772	427,772
94	0604115A	TECHNOLOGY MATURATION INITIATIVES .....	196,676	196,676
95	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD) .....	33,100	33,100
97	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING .....	115,116	115,116
99	0604121A	SYNTHETIC TRAINING ENVIRONMENT REFINEMENT & PROTOTYPING .....	136,761	136,761
100	0604182A	HYPERSONICS .....	228,000	358,610
		UPL accelerate Hypersonic Weapons System .....		[130,610]
102	0604403A	FUTURE INTERCEPTOR .....	8,000	8,000
103	0604541A	UNIFIED NETWORK TRANSPORT .....	39,600	39,600
104	0604644A	MOBILE MEDIUM RANGE MISSILE .....	20,000	20,000
106	0305251A	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT .....	52,102	52,102
107	1206120A	ASSURED POSITIONING, NAVIGATION AND TIMING (PNT) .....	192,562	192,562
108	1206308A	ARMY SPACE SYSTEMS INTEGRATION .....	104,996	104,996
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>2,929,355</b>	<b>3,135,565</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
109	0604201A	AIRCRAFT AVIONICS .....	29,164	29,164
110	0604270A	ELECTRONIC WARFARE DEVELOPMENT .....	70,539	70,539
113	0604601A	INFANTRY SUPPORT WEAPONS .....	106,121	126,021
		UPL Next Generation Squad Weapon—Automatic Rifle .....		[19,900]
114	0604604A	MEDIUM TACTICAL VEHICLES .....	2,152	2,152
115	0604611A	JAVELIN .....	17,897	17,897

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
116	0604622A	FAMILY OF HEAVY TACTICAL VEHICLES .....	16,745	16,745
117	0604633A	AIR TRAFFIC CONTROL .....	6,989	6,989
118	0604642A	LIGHT TACTICAL WHEELED VEHICLES .....	10,465	10,465
119	0604645A	ARMORED SYSTEMS MODERNIZATION (ASM)—ENG DEV .....	310,152	310,152
120	0604710A	NIGHT VISION SYSTEMS—ENG DEV .....	181,732	181,732
121	0604713A	COMBAT FEEDING, CLOTHING, AND EQUIPMENT .....	2,393	2,393
122	0604715A	NON-SYSTEM TRAINING DEVICES—ENG DEV .....	27,412	27,412
123	0604741A	AIR DEFENSE COMMAND, CONTROL AND INTELLIGENCE—ENG DEV .....	43,502	43,502
124	0604742A	CONSTRUCTIVE SIMULATION SYSTEMS DEVELOPMENT .....	11,636	11,636
125	0604746A	AUTOMATIC TEST EQUIPMENT DEVELOPMENT .....	10,915	10,915
126	0604760A	DISTRIBUTIVE INTERACTIVE SIMULATIONS (DIS)—ENG DEV .....	7,801	7,801
127	0604768A	BRILLIANT ANTI-ARMOR SUBMUNITION (BAT) .....	25,000	25,000
128	0604780A	COMBINED ARMS TACTICAL TRAINER (CATT) CORE .....	9,241	9,241
129	0604798A	BRIGADE ANALYSIS, INTEGRATION AND EVALUATION .....	42,634	42,634
130	0604802A	WEAPONS AND MUNITIONS—ENG DEV .....	181,023	181,023
131	0604804A	LOGISTICS AND ENGINEER EQUIPMENT—ENG DEV .....	103,226	103,226
132	0604805A	COMMAND, CONTROL, COMMUNICATIONS SYSTEMS—ENG DEV .....	12,595	12,595
133	0604807A	MEDICAL MATERIEL/MEDICAL BIOLOGICAL DEFENSE EQUIPMENT—ENG DEV .....	48,264	48,264
134	0604808A	LANDMINE WARFARE/BARRIER—ENG DEV .....	39,208	39,208
135	0604818A	ARMY TACTICAL COMMAND & CONTROL HARDWARE & SOFTWARE .....	140,637	140,637
136	0604820A	RADAR DEVELOPMENT .....	105,243	105,243
137	0604822A	GENERAL FUND ENTERPRISE BUSINESS SYSTEM (GFEBS) .....	46,683	46,683
138	0604823A	FIREFINDER .....	17,294	17,294
139	0604827A	SOLDIER SYSTEMS—WARRIOR DEM/VAL .....	5,803	5,803
140	0604852A	SUITE OF SURVIVABILITY ENHANCEMENT SYSTEMS—EMD .....	98,698	98,698
141	0604854A	ARTILLERY SYSTEMS—EMD .....	15,832	15,832
142	0605013A	INFORMATION TECHNOLOGY DEVELOPMENT .....	126,537	126,537
143	0605018A	INTEGRATED PERSONNEL AND PAY SYSTEM-ARMY (IPPS-A) .....	142,773	0
		Poor business process reengineering .....		[–142,773]
144	0605028A	ARMORED MULTI-PURPOSE VEHICLE (AMPV) .....	96,730	96,730
145	0605029A	INTEGRATED GROUND SECURITY SURVEILLANCE RESPONSE CAPABILITY (IGSSR-C) .....	6,699	6,699
146	0605030A	JOINT TACTICAL NETWORK CENTER (JTNC) .....	15,882	15,882
147	0605031A	JOINT TACTICAL NETWORK (JTN) .....	40,808	40,808
149	0605033A	GROUND-BASED OPERATIONAL SURVEILLANCE SYSTEM—EXPEDITIONARY (GBOSS-E) .....	3,847	3,847
150	0605034A	TACTICAL SECURITY SYSTEM (TSS) .....	6,928	6,928
151	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	34,488	34,488
152	0605036A	COMBATING WEAPONS OF MASS DESTRUCTION (CWMD) .....	10,000	10,000
154	0605038A	NUCLEAR BIOLOGICAL CHEMICAL RECONNAISSANCE VEHICLE (NBCRV) SENSOR SUITE .....	6,054	6,054
155	0605041A	DEFENSIVE CYBER TOOL DEVELOPMENT .....	62,262	62,262
156	0605042A	TACTICAL NETWORK RADIO SYSTEMS (LOW-TIER) .....	35,654	35,654
157	0605047A	CONTRACT WRITING SYSTEM .....	19,682	0
		Program duplication .....		[–19,682]
158	0605049A	MISSILE WARNING SYSTEM MODERNIZATION (MWSM) .....	1,539	1,539
159	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	64,557	64,557
160	0605052A	INDIRECT FIRE PROTECTION CAPABILITY INC 2—BLOCK 1 .....	243,228	149,628
		EMAM development ahead of need .....		[–124,200]
		Iron Dome testing and delivery .....		[20,600]
		UPL Multi-Domain Artillery .....		[10,000]
161	0605053A	GROUND ROBOTICS .....	41,308	28,508
		Army requested realignment .....		[–12,800]
162	0605054A	EMERGING TECHNOLOGY INITIATIVES .....	45,896	45,896
163	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION .....	164,883	164,883
165	0605450A	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	9,500	9,500
166	0605457A	ARMY INTEGRATED AIR AND MISSILE DEFENSE (AIAMD) .....	208,938	208,938
167	0605625A	MANNED GROUND VEHICLE .....	378,400	418,400
		UPL NGCV 50mm gun .....		[40,000]
168	0605766A	NATIONAL CAPABILITIES INTEGRATION (MIP) .....	7,835	7,835
169	0605812A	JOINT LIGHT TACTICAL VEHICLE (JLTV) ENGINEERING AND MANUFACTURING DEVELOPMENT PH .....	2,732	7,232
		Army requested realignment .....		[4,500]
170	0605830A	AVIATION GROUND SUPPORT EQUIPMENT .....	1,664	1,664
172	0303032A	TROJAN—RH12 .....	3,936	3,936
174	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	19,675	19,675
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>3,549,431</b>	<b>3,344,976</b>
		<b>RD&amp;E MANAGEMENT SUPPORT</b>		
176	0604256A	THREAT SIMULATOR DEVELOPMENT .....	14,117	16,117
		Cybersecurity threat simulation .....		[2,000]
177	0604258A	TARGET SYSTEMS DEVELOPMENT .....	8,327	8,327
178	0604759A	MAJOR T&E INVESTMENT .....	136,565	136,565
179	0605103A	RAND ARROYO CENTER .....	13,113	13,113
180	0605301A	ARMY KWAJALEIN ATOLL .....	238,691	238,691
181	0605326A	CONCEPTS EXPERIMENTATION PROGRAM .....	42,922	42,922
183	0605601A	ARMY TEST RANGES AND FACILITIES .....	334,468	349,468
		Directed energy test capabilities .....		[15,000]
184	0605602A	ARMY TECHNICAL TEST INSTRUMENTATION AND TARGETS .....	46,974	46,974
185	0605604A	SURVIVABILITY/LETHALITY ANALYSIS .....	35,075	35,075
186	0605606A	AIRCRAFT CERTIFICATION .....	3,461	3,461
187	0605702A	METEOROLOGICAL SUPPORT TO RD&E ACTIVITIES .....	6,233	6,233
188	0605706A	MATERIEL SYSTEMS ANALYSIS .....	21,342	21,342
189	0605709A	EXPLOITATION OF FOREIGN ITEMS .....	11,168	11,168
190	0605712A	SUPPORT OF OPERATIONAL TESTING .....	52,723	52,723
191	0605716A	ARMY EVALUATION CENTER .....	60,815	60,815
192	0605718A	ARMY MODELING & SIM X-CMD COLLABORATION & INTEG .....	2,527	2,527

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193	0605801A	PROGRAMWIDE ACTIVITIES .....	58,175	58,175
194	0605803A	TECHNICAL INFORMATION ACTIVITIES .....	25,060	25,060
195	0605805A	MUNITIONS STANDARDIZATION, EFFECTIVENESS AND SAFETY .....	44,458	44,458
196	0605857A	ENVIRONMENTAL QUALITY TECHNOLOGY MGMT SUPPORT .....	4,681	4,681
197	0605898A	ARMY DIRECT REPORT HEADQUARTERS—R&D - MHA .....	53,820	53,820
198	0606001A	MILITARY GROUND-BASED CREW TECHNOLOGY .....	4,291	4,291
199	0606002A	RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE .....	62,069	62,069
200	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION .....	1,050	1,050
201	0606942A	ASSESSMENTS AND EVALUATIONS CYBER VULNERABILITIES .....	4,500	4,500
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,286,625</b>	<b>1,303,625</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
204	0603778A	MLRS PRODUCT IMPROVEMENT PROGRAM .....	22,877	22,877
206	0605024A	ANTI-TAMPER TECHNOLOGY SUPPORT .....	8,491	8,491
207	0607131A	WEAPONS AND MUNITIONS PRODUCT IMPROVEMENT PROGRAMS .....	15,645	15,645
209	0607134A	LONG RANGE PRECISION FIRES (LRPF) .....	164,182	164,182
211	0607136A	BLACKHAWK PRODUCT IMPROVEMENT PROGRAM .....	13,039	13,039
212	0607137A	CHINOOK PRODUCT IMPROVEMENT PROGRAM .....	174,371	174,371
213	0607138A	FIXED WING PRODUCT IMPROVEMENT PROGRAM .....	4,545	4,545
214	0607139A	IMPROVED TURBINE ENGINE PROGRAM .....	206,434	206,434
216	0607142A	AVIATION ROCKET SYSTEM PRODUCT IMPROVEMENT AND DEVELOPMENT .....	24,221	24,221
217	0607143A	UNMANNED AIRCRAFT SYSTEM UNIVERSAL PRODUCTS .....	32,016	32,016
218	0607145A	APACHE FUTURE DEVELOPMENT .....	5,448	5,448
219	0607312A	ARMY OPERATIONAL SYSTEMS DEVELOPMENT .....	49,526	49,526
220	0607665A	FAMILY OF BIOMETRICS .....	1,702	1,702
221	0607865A	PATRIOT PRODUCT IMPROVEMENT .....	96,430	96,430
222	0203728A	JOINT AUTOMATED DEEP OPERATION COORDINATION SYSTEM (JADOCs) .....	47,398	47,398
223	0203735A	COMBAT VEHICLE IMPROVEMENT PROGRAMS .....	334,463	334,463
225	0203743A	155MM SELF-PROPELLED HOWITZER IMPROVEMENTS .....	214,246	214,246
226	0203744A	AIRCRAFT MODIFICATIONS/PRODUCT IMPROVEMENT PROGRAMS .....	16,486	16,486
227	0203752A	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	144	144
228	0203758A	DIGITIZATION .....	5,270	5,270
229	0203801A	MISSILE/AIR DEFENSE PRODUCT IMPROVEMENT PROGRAM .....	1,287	1,287
230	0203802A	OTHER MISSILE PRODUCT IMPROVEMENT PROGRAMS .....	0	24,100
		UPL CD ATACMS .....		[24,100]
234	0205412A	ENVIRONMENTAL QUALITY TECHNOLOGY—OPERATIONAL SYSTEM DEV .....	732	732
235	0205456A	LOWER TIER AIR AND MISSILE DEFENSE (AMD) SYSTEM .....	107,746	107,746
236	0205778A	GUIDED MULTIPLE-LAUNCH ROCKET SYSTEM (GMLRS) .....	138,594	138,594
238	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	13,845	13,845
239	0303140A	INFORMATION SYSTEMS SECURITY PROGRAM .....	29,185	29,185
240	0303141A	GLOBAL COMBAT SUPPORT SYSTEM .....	68,976	68,976
241	0303150A	WWMCCS/GLOBAL COMMAND AND CONTROL SYSTEM .....	2,073	2,073
245	0305179A	INTEGRATED BROADCAST SERVICE (IBS) .....	459	459
246	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	5,097	5,097
247	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS .....	11,177	11,177
248	0305208A	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	38,121	38,121
250	0305232A	RQ-11 UAV .....	3,218	3,218
251	0305233A	RQ-7 UAV .....	7,817	7,817
252	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	2,000	2,000
253	0708045A	END ITEM INDUSTRIAL PREPAREDNESS ACTIVITIES .....	59,848	62,848
		Nanoscale materials manufacturing .....		[3,000]
254	1203142A	SATCOM GROUND ENVIRONMENT (SPACE) .....	34,169	34,169
255	1208053A	JOINT TACTICAL GROUND SYSTEM .....	10,275	10,275
999	9999999999	CLASSIFIED PROGRAMS .....	7,273	7,273
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>1,978,826</b>	<b>2,005,926</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>12,192,771</b>	<b>12,344,126</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>BASIC RESEARCH</b>		
1	0601103N	UNIVERSITY RESEARCH INITIATIVES .....	116,850	126,850
		Cyber basic research .....		[10,000]
2	0601152N	IN-HOUSE LABORATORY INDEPENDENT RESEARCH .....	19,121	19,121
3	0601153N	DEFENSE RESEARCH SCIENCES .....	470,007	470,007
		<b>SUBTOTAL BASIC RESEARCH .....</b>	<b>605,978</b>	<b>615,978</b>
		<b>APPLIED RESEARCH</b>		
4	0602114N	POWER PROJECTION APPLIED RESEARCH .....	18,546	18,546
5	0602123N	FORCE PROTECTION APPLIED RESEARCH .....	119,517	136,017
		Carbon capture .....		[8,000]
		Electric propulsion research .....		[2,500]
		Energy resilience research .....		[3,000]
		Program reduction .....		[-5,000]
		Test bed for autonomous ship systems .....		[8,000]
6	0602131M	MARINE CORPS LANDING FORCE TECHNOLOGY .....	56,604	59,604
		Interdisciplinary cybersecurity .....		[3,000]
7	0602235N	COMMON PICTURE APPLIED RESEARCH .....	49,297	44,297
		Coordinate space activities .....		[-5,000]
8	0602236N	WARFIGHTER SUSTAINMENT APPLIED RESEARCH .....	63,825	65,825
		Warfighter safety and performance research .....		[2,000]
9	0602271N	ELECTROMAGNETIC SYSTEMS APPLIED RESEARCH .....	83,497	78,497
		Coordinate EW activities .....		[-5,000]
10	0602435N	OCEAN WARFIGHTING ENVIRONMENT APPLIED RESEARCH .....	63,894	63,894



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11	0602651M	JOINT NON-LETHAL WEAPONS APPLIED RESEARCH .....	6,346	6,346
12	0602747N	UNDERSEA WARFARE APPLIED RESEARCH .....	57,075	64,575
		Undersea vehicle technology research .....		[7,500]
13	0602750N	FUTURE NAVAL CAPABILITIES APPLIED RESEARCH .....	154,755	154,755
14	0602782N	MINE AND EXPEDITIONARY WARFARE APPLIED RESEARCH .....	36,074	36,074
15	0602792N	INNOVATIVE NAVAL PROTOTYPES (INP) APPLIED RESEARCH .....	153,062	153,062
16	0602861N	SCIENCE AND TECHNOLOGY MANAGEMENT—ONR FIELD ACTIVITIES .....	73,961	73,961
		<b>SUBTOTAL APPLIED RESEARCH .....</b>	<b>936,453</b>	<b>955,453</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
17	0603123N	FORCE PROTECTION ADVANCED TECHNOLOGY .....	35,286	35,286
18	0603271N	ELECTROMAGNETIC SYSTEMS ADVANCED TECHNOLOGY .....	9,499	9,499
19	0603640M	USMC ADVANCED TECHNOLOGY DEMONSTRATION (ATD) .....	172,847	176,847
		Consolidate efforts in AI/ML with Joint Force .....		[–5,000]
		UPL MUDLAN program increase .....		[9,000]
20	0603651M	JOINT NON-LETHAL WEAPONS TECHNOLOGY DEVELOPMENT .....	13,307	13,307
21	0603673N	FUTURE NAVAL CAPABILITIES ADVANCED TECHNOLOGY DEVELOPMENT .....	231,907	231,907
22	0603680N	MANUFACTURING TECHNOLOGY PROGRAM .....	60,138	60,138
23	0603729N	WARFIGHTER PROTECTION ADVANCED TECHNOLOGY .....	4,849	4,849
25	0603758N	NAVY WARFIGHTING EXPERIMENTS AND DEMONSTRATIONS .....	67,739	67,739
26	0603782N	MINE AND EXPEDITIONARY WARFARE ADVANCED TECHNOLOGY .....	13,335	13,335
27	0603801N	INNOVATIVE NAVAL PROTOTYPES (INP) ADVANCED TECHNOLOGY DEVELOPMENT .....	133,303	128,303
		Reduce electronic maneuver .....		[–5,000]
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>742,210</b>	<b>741,210</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	32,643	38,643
		Program increase for 1 REMUS 600 vehicle .....		[6,000]
29	0603216N	AVIATION SURVIVABILITY .....	11,919	11,919
30	0603251N	AIRCRAFT SYSTEMS .....	1,473	1,473
31	0603254N	ASW SYSTEMS DEVELOPMENT .....	7,172	7,172
32	0603261N	TACTICAL AIRBORNE RECONNAISSANCE .....	3,419	3,419
33	0603382N	ADVANCED COMBAT SYSTEMS TECHNOLOGY .....	64,694	64,694
34	0603502N	SURFACE AND SHALLOW WATER MINE COUNTERMEASURES .....	507,000	134,500
		Excess procurement ahead of satisfactory testing .....		[–372,500]
35	0603506N	SURFACE SHIP TORPEDO DEFENSE .....	15,800	15,800
36	0603512N	CARRIER SYSTEMS DEVELOPMENT .....	4,997	4,997
37	0603525N	PILOT FISH .....	291,148	291,148
38	0603527N	RETRACT LARCH .....	11,980	11,980
39	0603536N	RETRACT JUNIPER .....	129,163	129,163
40	0603542N	RADIOLOGICAL CONTROL .....	689	689
41	0603553N	SURFACE ASW .....	1,137	1,137
42	0603561N	ADVANCED SUBMARINE SYSTEM DEVELOPMENT .....	148,756	153,756
		Project 2033: Test site emergent repairs .....		[5,000]
43	0603562N	SUBMARINE TACTICAL WARFARE SYSTEMS .....	11,192	11,192
44	0603563N	SHIP CONCEPT ADVANCED DESIGN .....	81,846	57,846
		Early to need .....		[–24,000]
45	0603564N	SHIP PRELIMINARY DESIGN & FEASIBILITY STUDIES .....	69,084	22,484
		Early to need .....		[–46,600]
46	0603570N	ADVANCED NUCLEAR POWER SYSTEMS .....	181,652	181,652
47	0603573N	ADVANCED SURFACE MACHINERY SYSTEMS .....	25,408	150,408
		Surface combatant component-level prototyping .....		[125,000]
48	0603576N	CHALK EAGLE .....	64,877	64,877
49	0603581N	LITTORAL COMBAT SHIP (LCS) .....	9,934	9,934
50	0603582N	COMBAT SYSTEM INTEGRATION .....	17,251	17,251
51	0603595N	OHIO REPLACEMENT .....	419,051	434,051
		Accelerate advanced propulsor development .....		[15,000]
52	0603596N	LCS MISSION MODULES .....	108,505	103,505
		Availabe prior year funds due to SUW MP testing delay .....		[–5,000]
53	0603597N	AUTOMATED TEST AND ANALYSIS .....	7,653	7,653
54	0603599N	FRIGATE DEVELOPMENT .....	59,007	59,007
55	0603609N	CONVENTIONAL MUNITIONS .....	9,988	9,988
56	0603635M	MARINE CORPS GROUND COMBAT/SUPPORT SYSTEM .....	86,464	86,464
57	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	33,478	33,478
58	0603713N	OCEAN ENGINEERING TECHNOLOGY DEVELOPMENT .....	5,619	5,619
59	0603721N	ENVIRONMENTAL PROTECTION .....	20,564	20,564
60	0603724N	NAVY ENERGY PROGRAM .....	26,514	26,514
61	0603725N	FACILITIES IMPROVEMENT .....	3,440	3,440
62	0603734N	CHALK CORAL .....	346,800	346,800
63	0603739N	NAVY LOGISTIC PRODUCTIVITY .....	3,857	3,857
64	0603746N	RETRACT MAPLE .....	258,519	258,519
65	0603748N	LINK PLUMERIA .....	403,909	403,909
66	0603751N	RETRACT ELM .....	63,434	63,434
67	0603764N	LINK EVERGREEN .....	184,110	184,110
68	0603790N	NATO RESEARCH AND DEVELOPMENT .....	7,697	7,697
69	0603795N	LAND ATTACK TECHNOLOGY .....	9,086	9,086
70	0603851M	JOINT NON-LETHAL WEAPONS TESTING .....	28,466	28,466
71	0603860N	JOINT PRECISION APPROACH AND LANDING SYSTEMS—DEM/VAL .....	51,341	51,341
72	0603925N	DIRECTED ENERGY AND ELECTRIC WEAPON SYSTEMS .....	118,169	118,169
73	0604014N	F/A –18 INFRARED SEARCH AND TRACK (IRST) .....	113,456	113,456
74	0604027N	DIGITAL WARFARE OFFICE .....	50,120	50,120
75	0604028N	SMALL AND MEDIUM UNMANNED UNDERSEA VEHICLES .....	32,527	32,527
76	0604029N	UNMANNED UNDERSEA VEHICLE CORE TECHNOLOGIES .....	54,376	54,376

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77	0604030N	RAPID PROTOTYPING, EXPERIMENTATION AND DEMONSTRATION. ....	36,197	36,197
78	0604031N	LARGE UNMANNED UNDERSEA VEHICLES .....	68,310	68,310
79	0604112N	GERALD R. FORD CLASS NUCLEAR AIRCRAFT CARRIER (CVN 78—80) .....	121,310	121,310
80	0604126N	LITTORAL AIRBORNE MCM .....	17,248	17,248
81	0604127N	SURFACE MINE COUNTERMEASURES .....	18,735	18,735
82	0604272N	TACTICAL AIR DIRECTIONAL INFRARED COUNTERMEASURES (TADIRCM) .....	68,346	68,346
84	0604289M	NEXT GENERATION LOGISTICS .....	4,420	13,420
		Additive manufacturing logistics software pilot .....		[9,000]
85	0604320M	RAPID TECHNOLOGY CAPABILITY PROTOTYPE .....	4,558	4,558
86	0604454N	LX (R) .....	12,500	12,500
87	0604536N	ADVANCED UNDERSEA PROTOTYPING .....	181,967	181,967
88	0604636N	COUNTER UNMANNED AIRCRAFT SYSTEMS (C-UAS) .....	5,500	5,500
89	0604659N	PRECISION STRIKE WEAPONS DEVELOPMENT PROGRAM .....	718,148	723,148
		Increase for SLCM-N AOA .....		[5,000]
90	0604707N	SPACE AND ELECTRONIC WARFARE (SEW) ARCHITECTURE/ENGINEERING SUPPORT .....	5,263	5,263
91	0604786N	OFFENSIVE ANTI-SURFACE WARFARE WEAPON DEVELOPMENT .....	65,419	65,419
92	0303354N	ASW SYSTEMS DEVELOPMENT—MIP .....	9,991	9,991
93	0304240M	ADVANCED TACTICAL UNMANNED AIRCRAFT SYSTEM .....	21,157	21,157
95	0304270N	ELECTRONIC WARFARE DEVELOPMENT—MIP .....	609	609
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>5,559,062</b>	<b>5,275,962</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
96	0603208N	TRAINING SYSTEM AIRCRAFT .....	15,514	15,514
97	0604212N	OTHER HELO DEVELOPMENT .....	28,835	28,835
98	0604214M	AV—8B AIRCRAFT—ENG DEV .....	27,441	27,441
100	0604215N	STANDARDS DEVELOPMENT .....	3,642	3,642
101	0604216N	MULTI-MISSION HELICOPTER UPGRADE DEVELOPMENT .....	19,196	19,196
104	0604230N	WARFARE SUPPORT SYSTEM .....	8,601	8,601
105	0604231N	TACTICAL COMMAND SYSTEM .....	77,232	77,232
106	0604234N	ADVANCED HAWKEYE .....	232,752	232,752
107	0604245M	H—1 UPGRADES .....	65,359	65,359
109	0604261N	ACOUSTIC SEARCH SENSORS .....	47,013	47,013
110	0604262N	V—22A .....	185,105	190,605
		Increase reliability and reduce vibrations of V—22 Nacelles .....		[5,500]
111	0604264N	AIR CREW SYSTEMS DEVELOPMENT .....	21,172	21,172
112	0604269N	EA—18 .....	143,585	143,585
113	0604270N	ELECTRONIC WARFARE DEVELOPMENT .....	116,811	116,811
114	0604273M	EXECUTIVE HELO DEVELOPMENT .....	187,436	187,436
116	0604274N	NEXT GENERATION JAMMER (NGJ) .....	524,261	524,261
117	0604280N	JOINT TACTICAL RADIO SYSTEM—NAVY (JTRS-NAVY) .....	192,345	192,345
118	0604282N	NEXT GENERATION JAMMER (NGJ) INCREMENT II .....	111,068	111,068
119	0604307N	SURFACE COMBATANT COMBAT SYSTEM ENGINEERING .....	415,625	415,625
120	0604311N	LPD—17 CLASS SYSTEMS INTEGRATION .....	640	640
121	0604329N	SMALL DIAMETER BOMB (SDB) .....	50,096	50,096
122	0604366N	STANDARD MISSILE IMPROVEMENTS .....	232,391	232,391
123	0604373N	AIRBORNE MCM .....	10,916	10,916
124	0604378N	NAVAL INTEGRATED FIRE CONTROL—COUNTER AIR SYSTEMS ENGINEERING .....	33,379	33,379
125	0604501N	ADVANCED ABOVE WATER SENSORS .....	34,554	34,554
126	0604503N	SSN—688 AND TRIDENT MODERNIZATION .....	84,663	84,663
127	0604504N	AIR CONTROL .....	44,923	44,923
128	0604512N	SHIPBOARD AVIATION SYSTEMS .....	10,632	10,632
129	0604518N	COMBAT INFORMATION CENTER CONVERSION .....	16,094	16,094
130	0604522N	AIR AND MISSILE DEFENSE RADAR (AMDR) SYSTEM .....	55,349	55,349
131	0604530N	ADVANCED ARRESTING GEAR (AAG) .....	123,490	123,490
132	0604558N	NEW DESIGN SSN .....	121,010	121,010
133	0604562N	SUBMARINE TACTICAL WARFARE SYSTEM .....	62,426	62,426
134	0604567N	SHIP CONTRACT DESIGN/ LIVE FIRE T&E .....	46,809	46,809
135	0604574N	NAVY TACTICAL COMPUTER RESOURCES .....	3,692	3,692
137	0604601N	MINE DEVELOPMENT .....	28,964	100,264
		UPL Quickstrike JDAM ER .....		[71,300]
138	0604610N	LIGHTWEIGHT TORPEDO DEVELOPMENT .....	148,349	148,349
139	0604654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	8,237	8,237
140	0604657M	USMC GROUND COMBAT/SUPPORTING ARMS SYSTEMS—ENG DEV .....	22,000	22,000
141	0604703N	PERSONNEL, TRAINING, SIMULATION, AND HUMAN FACTORS .....	5,500	5,500
142	0604727N	JOINT STANDOFF WEAPON SYSTEMS .....	18,725	18,725
143	0604755N	SHIP SELF DEFENSE (DETECT & CONTROL) .....	192,603	192,603
144	0604756N	SHIP SELF DEFENSE (ENGAGE: HARD KILL) .....	137,268	137,268
145	0604757N	SHIP SELF DEFENSE (ENGAGE: SOFT KILL/EW) .....	97,363	97,363
146	0604761N	INTELLIGENCE ENGINEERING .....	26,710	26,710
147	0604771N	MEDICAL DEVELOPMENT .....	8,181	8,181
148	0604777N	NAVIGATION/ID SYSTEM .....	40,755	40,755
149	0604800M	JOINT STRIKE FIGHTER (JSF)—EMD .....	1,710	1,710
150	0604800N	JOINT STRIKE FIGHTER (JSF)—EMD .....	1,490	1,490
153	0605013M	INFORMATION TECHNOLOGY DEVELOPMENT .....	1,494	1,494
154	0605013N	INFORMATION TECHNOLOGY DEVELOPMENT .....	384,162	328,722
		eProcurement program duplication .....		[–55,440]
155	0605024N	ANTI-TAMPER TECHNOLOGY SUPPORT .....	4,882	4,882
156	0605212M	CH—53K RDTE .....	516,955	506,955
		Early to need .....		[–10,000]
158	0605215N	MISSION PLANNING .....	75,886	75,886
159	0605217N	COMMON AVIONICS .....	43,187	43,187
160	0605220N	SHIP TO SHORE CONNECTOR (SSC) .....	4,909	19,909
		Expand development and use of composite materials .....		[15,000]

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Line	Program Element	Item	FY 2020 Request	Senate Authorized
161	0605327N	T-AO 205 CLASS .....	1,682	1,682
162	0605414N	UNMANNED CARRIER AVIATION (UCA) .....	671,258	671,258
163	0605450M	JOINT AIR-TO-GROUND MISSILE (JAGM) .....	18,393	18,393
165	0605500N	MULTI-MISSION MARITIME AIRCRAFT (MMA) .....	21,472	21,472
166	0605504N	MULTI-MISSION MARITIME (MMA) INCREMENT III .....	177,234	177,234
167	0605611M	MARINE CORPS ASSAULT VEHICLES SYSTEM DEVELOPMENT & DEMONSTRATION .....	77,322	77,322
168	0605813M	JOINT LIGHT TACTICAL VEHICLE (JLTV) SYSTEM DEVELOPMENT & DEMONSTRATION .....	2,105	2,105
169	0204202N	DDG-1000 .....	111,435	111,435
172	0304785N	TACTICAL CRYPTOLOGIC SYSTEMS .....	101,339	101,339
173	0306250M	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	26,406	26,406
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>6,332,033</b>	<b>6,358,393</b>
		<b>MANAGEMENT SUPPORT</b>		
174	0604256N	THREAT SIMULATOR DEVELOPMENT .....	66,678	66,678
175	0604258N	TARGET SYSTEMS DEVELOPMENT .....	12,027	12,027
176	0604759N	MAJOR T&E INVESTMENT .....	85,348	85,348
178	0605152N	STUDIES AND ANALYSIS SUPPORT—NAVY .....	3,908	3,908
179	0605154N	CENTER FOR NAVAL ANALYSES .....	47,669	47,669
180	0605285N	NEXT GENERATION FIGHTER .....	20,698	20,698
182	0605804N	TECHNICAL INFORMATION SERVICES .....	988	988
183	0605853N	MANAGEMENT, TECHNICAL & INTERNATIONAL SUPPORT .....	102,401	102,401
184	0605856N	STRATEGIC TECHNICAL SUPPORT .....	3,742	3,742
186	0605863N	RD&E SHIP AND AIRCRAFT SUPPORT .....	93,872	93,872
187	0605864N	TEST AND EVALUATION SUPPORT .....	394,020	394,020
188	0605865N	OPERATIONAL TEST AND EVALUATION CAPABILITY .....	25,145	25,145
189	0605866N	NAVY SPACE AND ELECTRONIC WARFARE (SEW) SUPPORT .....	15,773	15,773
190	0605867N	SEW SURVEILLANCE/RECONNAISSANCE SUPPORT .....	8,402	8,402
191	0605873M	MARINE CORPS PROGRAM WIDE SUPPORT .....	37,265	37,265
192	0605898N	MANAGEMENT HQ—R&D .....	39,673	39,673
193	0606355N	WARFARE INNOVATION MANAGEMENT .....	28,750	28,750
196	0305327N	INSIDER THREAT .....	2,645	2,645
197	0902498N	MANAGEMENT HEADQUARTERS (DEPARTMENTAL SUPPORT ACTIVITIES) .....	1,460	1,460
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>990,464</b>	<b>990,464</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
202	0604227N	HARPOON MODIFICATIONS .....	2,302	2,302
203	0604840M	F-35 C2D2 .....	422,881	422,881
204	0604840N	F-35 C2D2 .....	383,741	383,741
205	0607658N	COOPERATIVE ENGAGEMENT CAPABILITY (CEC) .....	127,924	127,924
207	0101221N	STRATEGIC SUB & WEAPONS SYSTEM SUPPORT .....	157,676	157,676
208	0101224N	SSBN SECURITY TECHNOLOGY PROGRAM .....	43,354	43,354
209	0101226N	SUBMARINE ACOUSTIC WARFARE DEVELOPMENT .....	6,815	6,815
210	0101402N	NAVY STRATEGIC COMMUNICATIONS .....	31,174	31,174
211	0204136N	F/A-18 SQUADRONS .....	213,715	213,715
213	0204228N	SURFACE SUPPORT .....	36,389	36,389
214	0204229N	TOMAHAWK AND TOMAHAWK MISSION PLANNING CENTER (TMPC) .....	320,134	320,134
215	0204311N	INTEGRATED SURVEILLANCE SYSTEM .....	88,382	103,382
		Additional TRAPS units .....		[15,000]
216	0204313N	SHIP-TOWED ARRAY SURVEILLANCE SYSTEMS .....	14,449	14,449
217	0204413N	AMPHIBIOUS TACTICAL SUPPORT UNITS (DISPLACEMENT CRAFT) .....	6,931	6,931
218	0204460M	GROUND/AIR TASK ORIENTED RADAR (G/ATOR) .....	23,891	23,891
219	0204571N	CONSOLIDATED TRAINING SYSTEMS DEVELOPMENT .....	129,873	129,873
221	0204575N	ELECTRONIC WARFARE (EW) READINESS SUPPORT .....	82,325	82,325
222	0205601N	HARM IMPROVEMENT .....	138,431	138,431
224	0205620N	SURFACE ASW COMBAT SYSTEM INTEGRATION .....	29,572	29,572
225	0205632N	MK-48 ADCAP .....	85,973	85,973
226	0205633N	AVIATION IMPROVEMENTS .....	125,461	125,461
227	0205675N	OPERATIONAL NUCLEAR POWER SYSTEMS .....	106,192	106,192
228	0206313M	MARINE CORPS COMMUNICATIONS SYSTEMS .....	143,317	143,317
229	0206335M	COMMON AVIATION COMMAND AND CONTROL SYSTEM (CAC2S) .....	4,489	4,489
230	0206623M	MARINE CORPS GROUND COMBAT/SUPPORTING ARMS SYSTEMS .....	51,788	51,788
231	0206624M	MARINE CORPS COMBAT SERVICES SUPPORT .....	37,761	42,761
		Airborne Power Generation Tech Development .....		[5,000]
232	0206625M	USMC INTELLIGENCE/ELECTRONIC WARFARE SYSTEMS (MIP) .....	21,458	21,458
233	0206629M	AMPHIBIOUS ASSAULT VEHICLE .....	5,476	5,476
234	0207161N	TACTICAL AIM MISSILES .....	19,488	19,488
235	0207163N	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	39,029	39,029
239	0303109N	SATELLITE COMMUNICATIONS (SPACE) .....	34,344	34,344
240	0303138N	CONSOLIDATED AFLOAT NETWORK ENTERPRISE SERVICES (CANES) .....	22,873	22,873
241	0303140N	INFORMATION SYSTEMS SECURITY PROGRAM .....	41,853	41,853
243	0305192N	MILITARY INTELLIGENCE PROGRAM (MIP) ACTIVITIES .....	8,913	8,913
244	0305204N	TACTICAL UNMANNED AERIAL VEHICLES .....	9,451	9,451
245	0305205N	UAS INTEGRATION AND INTEROPERABILITY .....	42,315	42,315
246	0305208M	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	22,042	22,042
248	0305220N	MQ-4C TRITON .....	11,784	11,784
249	0305231N	MQ-8 UAV .....	29,618	29,618
250	0305232M	RQ-11 UAV .....	509	509
251	0305234N	SMALL (LEVEL 0) TACTICAL UAS (STUASLO) .....	11,545	11,545
252	0305239M	RQ-21A .....	10,914	10,914
253	0305241N	MULTI-INTELLIGENCE SENSOR DEVELOPMENT .....	70,612	70,612
254	0305242M	UNMANNED AERIAL SYSTEMS (UAS) PAYLOADS (MIP) .....	3,704	3,704
255	0305421N	RQ-4 MODERNIZATION .....	202,346	202,346
256	0308601N	MODELING AND SIMULATION SUPPORT .....	7,119	7,119

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257	0702207N	DEPOT MAINTENANCE (NON-IF) .....	38,182	38,182
258	0708730N	MARITIME TECHNOLOGY (MARITECH) .....	6,779	6,779
259	1203109N	SATELLITE COMMUNICATIONS (SPACE) .....	15,868	15,868
999	9999999999	CLASSIFIED PROGRAMS .....	1,613,137	1,613,137
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>5,104,299</b>	<b>5,124,299</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>20,270,499</b>	<b>20,061,759</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
		<b>BASIC RESEARCH</b>		
1	0601102F	DEFENSE RESEARCH SCIENCES .....	356,107	356,107
2	0601103F	UNIVERSITY RESEARCH INITIATIVES .....	158,859	158,859
3	0601108F	HIGH ENERGY LASER RESEARCH INITIATIVES .....	14,795	14,795
		<b>SUBTOTAL BASIC RESEARCH</b> .....	<b>529,761</b>	<b>529,761</b>
		<b>APPLIED RESEARCH</b>		
4	0602102F	MATERIALS .....	128,851	122,851
		Advanced materials high energy x-ray .....		[4,000]
		Duplicative material research .....		[−10,000]
5	0602201F	AEROSPACE VEHICLE TECHNOLOGIES .....	147,724	137,724
		Reduce program growth .....		[−10,000]
6	0602202F	HUMAN EFFECTIVENESS APPLIED RESEARCH .....	131,795	131,795
7	0602203F	AEROSPACE PROPULSION .....	198,775	198,775
8	0602204F	AEROSPACE SENSORS .....	202,912	202,912
10	0602298F	SCIENCE AND TECHNOLOGY MANAGEMENT— MAJOR HEADQUARTERS ACTIVITIES .....	7,968	7,968
12	0602602F	CONVENTIONAL MUNITIONS .....	142,772	142,772
13	0602605F	DIRECTED ENERGY TECHNOLOGY .....	124,379	124,379
14	0602788F	DOMINANT INFORMATION SCIENCES AND METHODS .....	181,562	199,062
		Counter UAS cyber .....		[2,500]
		Cyberspace dominance technology research .....		[10,000]
		Quantum science .....		[5,000]
15	0602890F	HIGH ENERGY LASER RESEARCH .....	44,221	49,221
		High power microwave research .....		[5,000]
16	1206601F	SPACE TECHNOLOGY .....	124,667	124,667
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,435,626</b>	<b>1,442,126</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
17	0603112F	ADVANCED MATERIALS FOR WEAPON SYSTEMS .....	36,586	38,586
		Metals affordability research .....		[2,000]
18	0603199F	SUSTAINMENT SCIENCE AND TECHNOLOGY (S&T) .....	16,249	16,249
19	0603203F	ADVANCED AEROSPACE SENSORS .....	38,292	38,292
20	0603211F	AEROSPACE TECHNOLOGY DEV/DEMO .....	102,949	307,949
		Accelerate air breathing hypersonic program .....		[75,000]
		Active winglets development .....		[5,000]
		Advanced Personnel Recovery .....		[25,000]
		LCAAT .....		[100,000]
21	0603216F	AEROSPACE PROPULSION AND POWER TECHNOLOGY .....	113,973	123,973
		Advanced turbine engine gas generator .....		[10,000]
22	0603270F	ELECTRONIC COMBAT TECHNOLOGY .....	48,408	38,408
		Duplicative EW & PNT research .....		[−10,000]
23	0603401F	ADVANCED SPACECRAFT TECHNOLOGY .....	70,525	73,525
		Strategic radiation hardened microelectronic processors .....		[3,000]
24	0603444F	MAUI SPACE SURVEILLANCE SYSTEM (MSSS) .....	11,878	11,878
25	0603456F	HUMAN EFFECTIVENESS ADVANCED TECHNOLOGY DEVELOPMENT .....	37,542	37,542
26	0603601F	CONVENTIONAL WEAPONS TECHNOLOGY .....	225,817	225,817
27	0603605F	ADVANCED WEAPONS TECHNOLOGY .....	37,404	37,404
28	0603680F	MANUFACTURING TECHNOLOGY PROGRAM .....	43,116	50,116
		Advanced materials and materials manufacturing .....		[7,000]
29	0603788F	BATTLESACE KNOWLEDGE DEVELOPMENT AND DEMONSTRATION .....	56,414	66,414
		Cyber applied research .....		[10,000]
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>839,153</b>	<b>1,066,153</b>
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
31	0603260F	INTELLIGENCE ADVANCED DEVELOPMENT .....	5,672	5,672
32	0603742F	COMBAT IDENTIFICATION TECHNOLOGY .....	27,085	27,085
33	0603790F	NATO RESEARCH AND DEVELOPMENT .....	4,955	4,955
34	0603851F	INTERCONTINENTAL BALLISTIC MISSILE—DEM/VAL .....	44,109	44,109
36	0604002F	AIR FORCE WEATHER SERVICES RESEARCH .....	772	772
37	0604004F	ADVANCED ENGINE DEVELOPMENT .....	878,442	878,442
38	0604015F	LONG RANGE STRIKE—BOMBER .....	3,003,899	3,003,899
39	0604032F	DIRECTED ENERGY PROTOTYPING .....	10,000	10,000
40	0604033F	HYPERSONICS PROTOTYPING .....	576,000	576,000
41	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS .....	92,600	124,600
		UPL M-CODE acceleration .....		[32,000]
42	0604257F	ADVANCED TECHNOLOGY AND SENSORS .....	23,145	23,145
43	0604288F	NATIONAL AIRBORNE OPS CENTER (NAOC) RECAP .....	16,669	16,669
44	0604317F	TECHNOLOGY TRANSFER .....	23,614	23,614
45	0604327F	HARD AND DEEPLY BURIED TARGET DEFEAT SYSTEM (HDBTDS) PROGRAM .....	113,121	113,121
46	0604414F	CYBER RESILIENCY OF WEAPON SYSTEMS-ACS .....	56,325	56,325
47	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D .....	28,034	28,034
48	0604858F	TECH TRANSITION PROGRAM .....	128,476	134,476
		Rapid repair .....		[6,000]
49	0605230F	GROUND BASED STRATEGIC DETERRENT .....	570,373	592,373

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		Program consolidation .....		[22,000]
50	0207100F	LIGHT ATTACK ARMED RECONNAISSANCE (LAAR) SQUADRONS .....	35,000	85,000
		Light attack experiment .....		[50,000]
51	0207110F	NEXT GENERATION AIR DOMINANCE .....	1,000,000	1,000,000
52	0207455F	THREE DIMENSIONAL LONG-RANGE RADAR (3DELRR) .....	37,290	37,290
53	0208099F	UNIFIED PLATFORM (UP) .....	10,000	10,000
54	0305236F	COMMON DATA LINK EXECUTIVE AGENT (CDL EA) .....	36,910	36,910
55	0305251F	CYBERSPACE OPERATIONS FORCES AND FORCE SUPPORT .....	35,000	35,000
56	0305601F	MISSION PARTNER ENVIRONMENTS .....	8,550	8,550
57	0306250F	CYBER OPERATIONS TECHNOLOGY DEVELOPMENT .....	198,864	240,064
		Accelerate development of Cyber National Mission Force capabilities .....		[13,600]
		ETERNALDARKNESS .....		[7,100]
		Joint Common Access Platform .....		[20,500]
58	0306415F	ENABLED CYBER ACTIVITIES .....	16,632	16,632
60	0901410F	CONTRACTING INFORMATION TECHNOLOGY SYSTEM .....	20,830	20,830
61	1203164F	NAVSTAR GLOBAL POSITIONING SYSTEM (USER EQUIPMENT) (SPACE) .....	329,948	329,948
62	1203710F	EO/IR WEATHER SYSTEMS .....	101,222	101,222
63	1206422F	WEATHER SYSTEM FOLLOW-ON .....	225,660	225,660
64	1206425F	SPACE SITUATION AWARENESS SYSTEMS .....	29,776	29,776
65	1206427F	SPACE SYSTEMS PROTOTYPE TRANSITIONS (SSPT) .....	142,045	142,045
67	1206438F	SPACE CONTROL TECHNOLOGY .....	64,231	64,231
68	1206730F	SPACE SECURITY AND DEFENSE PROGRAM .....	56,385	56,385
69	1206760F	PROTECTED TACTICAL ENTERPRISE SERVICE (PTES) .....	105,003	95,003
		Unjustified growth .....		[−10,000]
70	1206761F	PROTECTED TACTICAL SERVICE (PTS) .....	173,694	163,694
		Unjustified growth .....		[−10,000]
71	1206855F	EVOLVED STRATEGIC SATCOM (ESS) .....	172,206	172,206
72	1206857F	SPACE RAPID CAPABILITIES OFFICE .....	33,742	33,742
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>8,436,279</b>	<b>8,567,479</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
73	0604200F	FUTURE ADVANCED WEAPON ANALYSIS & PROGRAMS .....	246,200	97,120
		ERWn contract delay .....		[−149,080]
74	0604201F	PNT RESILIENCY, MODS, AND IMPROVEMENTS .....	67,782	148,782
		UPL M-Code Acceleration .....		[81,000]
75	0604222F	NUCLEAR WEAPONS SUPPORT .....	4,406	4,406
76	0604270F	ELECTRONIC WARFARE DEVELOPMENT .....	2,066	2,066
77	0604281F	TACTICAL DATA NETWORKS ENTERPRISE .....	229,631	229,631
78	0604287F	PHYSICAL SECURITY EQUIPMENT .....	9,700	9,700
79	0604329F	SMALL DIAMETER BOMB (SDB)—EMD .....	31,241	31,241
80	0604429F	AIRBORNE ELECTRONIC ATTACK .....	2	2
81	0604602F	ARMAMENT/ORDNANCE DEVELOPMENT .....	28,043	28,043
82	0604604F	SUBMUNITIONS .....	3,045	3,045
83	0604617F	AGILE COMBAT SUPPORT .....	19,944	19,944
84	0604706F	LIFE SUPPORT SYSTEMS .....	8,624	8,624
85	0604735F	COMBAT TRAINING RANGES .....	37,365	37,365
86	0604800F	F-35—EMD .....	7,628	7,628
87	0604932F	LONG RANGE STANDOFF WEAPON .....	712,539	712,539
88	0604933F	ICBM FUZE MODERNIZATION .....	161,199	161,199
89	0605030F	JOINT TACTICAL NETWORK CENTER (JTNC) .....	2,414	2,414
91	0605056F	OPEN ARCHITECTURE MANAGEMENT .....	30,000	30,000
93	0605221F	KC-46 .....	59,561	59,561
94	0605223F	ADVANCED PILOT TRAINING .....	348,473	348,473
95	0605229F	COMBAT RESCUE HELICOPTER .....	247,047	247,047
98	0605931F	B-2 DEFENSIVE MANAGEMENT SYSTEM .....	294,400	294,400
99	0101125F	NUCLEAR WEAPONS MODERNIZATION .....	27,564	27,564
100	0101213F	MINUTEMAN SQUADRONS .....	1	1
101	0207171F	F-15 EPAWSS .....	47,322	47,322
102	0207328F	STAND IN ATTACK WEAPON .....	162,840	162,840
103	0207701F	FULL COMBAT MISSION TRAINING .....	9,797	9,797
106	0401310F	C-32 EXECUTIVE TRANSPORT RECAPITALIZATION .....	9,930	9,930
107	0401319F	VC-25B .....	757,923	757,923
108	0701212F	AUTOMATED TEST SYSTEMS .....	2,787	2,787
109	1203176F	COMBAT SURVIVOR EVADER LOCATOR .....	2,000	2,000
110	1203269F	GPS III FOLLOW-ON (GPS IIIF) .....	462,875	462,875
111	1203940F	SPACE SITUATION AWARENESS OPERATIONS .....	76,829	76,829
112	1206421F	COUNTERSPACE SYSTEMS .....	29,037	29,037
113	1206422F	WEATHER SYSTEM FOLLOW-ON .....	2,237	2,237
114	1206425F	SPACE SITUATION AWARENESS SYSTEMS .....	412,894	412,894
115	1206426F	SPACE FENCE .....	0	20,000
		Space Fence .....		[20,000]
116	1206431F	ADVANCED EHF MILSATCOM (SPACE) .....	117,290	117,290
117	1206432F	POLAR MILSATCOM (SPACE) .....	427,400	427,400
118	1206433F	WIDEBAND GLOBAL SATCOM (SPACE) .....	1,920	1,920
119	1206441F	SPACE BASED INFRARED SYSTEM (SBIRS) HIGH EMD .....	1	1
120	1206442F	NEXT GENERATION OPIR .....	1,395,278	1,395,278
122	1206853F	NATIONAL SECURITY SPACE LAUNCH PROGRAM (SPACE)—EMD .....	432,009	432,009
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>6,929,244</b>	<b>6,881,164</b>
		<b>MANAGEMENT SUPPORT</b>		
123	0604256F	THREAT SIMULATOR DEVELOPMENT .....	59,693	59,693
124	0604759F	MAJOR T&E INVESTMENT .....	181,663	232,663
		UPL M-Code Acceleration .....		[36,000]

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(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
		Utah training range instrumentation .....		[15,000]
125	0605101F	RAND PROJECT AIR FORCE .....	35,258	35,258
127	0605712F	INITIAL OPERATIONAL TEST & EVALUATION .....	13,793	13,793
128	0605807F	TEST AND EVALUATION SUPPORT .....	717,895	771,895
		Accelerate prototype program .....		[5,000]
		Facilitates 5G test and evaluation .....		[49,000]
129	0605826F	ACQ WORKFORCE- GLOBAL POWER .....	258,667	258,667
130	0605827F	ACQ WORKFORCE- GLOBAL VIG & COMBAT SYS .....	251,992	251,992
131	0605828F	ACQ WORKFORCE- GLOBAL REACH .....	149,191	149,191
132	0605829F	ACQ WORKFORCE- CYBER, NETWORK, & BUS SYS .....	235,360	235,360
133	0605830F	ACQ WORKFORCE- GLOBAL BATTLE MGMT .....	160,196	160,196
134	0605831F	ACQ WORKFORCE- CAPABILITY INTEGRATION .....	220,255	220,255
135	0605832F	ACQ WORKFORCE- ADVANCED PRGM TECHNOLOGY .....	42,392	42,392
136	0605833F	ACQ WORKFORCE- NUCLEAR SYSTEMS .....	133,231	133,231
137	0605898F	MANAGEMENT HQ—R&D .....	5,590	5,590
138	0605976F	FACILITIES RESTORATION AND MODERNIZATION—TEST AND EVALUATION SUPPORT .....	88,445	88,445
139	0605978F	FACILITIES SUSTAINMENT—TEST AND EVALUATION SUPPORT .....	29,424	29,424
140	0606017F	REQUIREMENTS ANALYSIS AND MATURATION .....	62,715	62,715
141	0606398F	MANAGEMENT HQ—T&E .....	5,013	5,013
142	0308602F	ENTERPRISE INFORMATION SERVICES (EIS) .....	17,128	17,128
143	0702806F	ACQUISITION AND MANAGEMENT SUPPORT .....	5,913	5,913
144	0804731F	GENERAL SKILL TRAINING .....	1,475	1,475
146	1001004F	INTERNATIONAL ACTIVITIES .....	4,071	4,071
147	1206116F	SPACE TEST AND TRAINING RANGE DEVELOPMENT .....	19,942	19,942
148	1206392F	SPACE AND MISSILE CENTER (SMC) CIVILIAN WORKFORCE .....	167,810	167,810
149	1206398F	SPACE & MISSILE SYSTEMS CENTER—MHA .....	10,170	10,170
150	1206860F	ROCKET SYSTEMS LAUNCH PROGRAM (SPACE) .....	13,192	13,192
151	1206864F	SPACE TEST PROGRAM (STP) .....	26,097	26,097
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>2,916,571</b>	<b>3,021,571</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
152	0604003F	ADVANCED BATTLE MANAGEMENT SYSTEM (ABMS) .....	35,611	84,611
		Accelerates 5G military use .....		[49,000]
154	0604233F	SPECIALIZED UNDERGRADUATE FLIGHT TRAINING .....	2,584	2,584
156	0604776F	DEPLOYMENT & DISTRIBUTION ENTERPRISE R&D .....	903	903
157	0604840F	F-35 C2D2 .....	694,455	694,455
158	0605018F	AF INTEGRATED PERSONNEL AND PAY SYSTEM (AF-IPPS) .....	40,567	0
		Poor agile development .....		[-40,567]
159	0605024F	ANTI-TAMPER TECHNOLOGY EXECUTIVE AGENCY .....	47,193	47,193
160	0605117F	FOREIGN MATERIEL ACQUISITION AND EXPLOITATION .....	70,083	70,083
161	0605278F	HC/MC-130 RECAP RDT&E .....	17,218	4,818
		program delay .....		[-12,400]
162	0606018F	NC3 INTEGRATION .....	25,917	25,917
164	0101113F	B-52 SQUADRONS .....	325,974	325,974
165	0101122F	AIR-LAUNCHED CRUISE MISSILE (ALCM) .....	10,217	10,217
166	0101126F	B-1B SQUADRONS .....	1,000	1,000
167	0101127F	B-2 SQUADRONS .....	97,276	97,276
168	0101213F	MINUTEMAN SQUADRONS .....	128,961	106,961
		Program consolidation .....		[-22,000]
170	0101316F	WORLDWIDE JOINT STRATEGIC COMMUNICATIONS .....	18,177	18,177
171	0101324F	INTEGRATED STRATEGIC PLANNING & ANALYSIS NETWORK .....	24,261	24,261
172	0101328F	ICBM REENTRY VEHICLES .....	75,571	75,571
174	0102110F	UH-1N REPLACEMENT PROGRAM .....	170,975	170,975
176	0205219F	MQ-9 UAV .....	154,996	154,996
178	0207131F	A-10 SQUADRONS .....	36,816	36,816
179	0207133F	F-16 SQUADRONS .....	193,013	193,013
180	0207134F	F-15E SQUADRONS .....	336,079	336,079
181	0207136F	MANNED DESTRUCTIVE SUPPRESSION .....	15,521	15,521
182	0207138F	F-22A SQUADRONS .....	496,298	496,298
183	0207142F	F-35 SQUADRONS .....	99,943	99,943
184	0207161F	TACTICAL AIM MISSILES .....	10,314	10,314
185	0207163F	ADVANCED MEDIUM RANGE AIR-TO-AIR MISSILE (AMRAAM) .....	55,384	55,384
186	0207227F	COMBAT RESCUE—PARARESCUE .....	281	281
187	0207247F	AF TENCAP .....	21,365	21,365
188	0207249F	PRECISION ATTACK SYSTEMS PROCUREMENT .....	10,696	10,696
189	0207253F	COMPASS CALL .....	15,888	15,888
190	0207268F	AIRCRAFT ENGINE COMPONENT IMPROVEMENT PROGRAM .....	112,505	112,505
191	0207325F	JOINT AIR-TO-SURFACE STANDOFF MISSILE (JASSM) .....	78,498	78,498
192	0207410F	AIR & SPACE OPERATIONS CENTER (AOC) .....	114,864	114,864
193	0207412F	CONTROL AND REPORTING CENTER (CRC) .....	8,109	8,109
194	0207417F	AIRBORNE WARNING AND CONTROL SYSTEM (AWACS) .....	67,996	67,996
195	0207418F	TACTICAL AIRBORNE CONTROL SYSTEMS .....	2,462	2,462
197	0207431F	COMBAT AIR INTELLIGENCE SYSTEM ACTIVITIES .....	13,668	13,668
198	0207444F	TACTICAL AIR CONTROL PARTY-MOD .....	6,217	6,217
200	0207452F	DCAPES .....	19,910	19,910
201	0207573F	NATIONAL TECHNICAL NUCLEAR FORENSICS .....	1,788	1,788
202	0207590F	SEEK EAGLE .....	28,237	28,237
203	0207601F	USAF MODELING AND SIMULATION .....	15,725	15,725
204	0207605F	WARGAMING AND SIMULATION CENTERS .....	4,316	4,316
205	0207610F	BATTLEFIELD ABN COMM NODE (BACN) .....	26,946	26,946
206	0207697F	DISTRIBUTED TRAINING AND EXERCISES .....	4,303	4,303
207	0208006F	MISSION PLANNING SYSTEMS .....	71,465	71,465
208	0208007F	TACTICAL DECEPTION .....	7,446	7,446



SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
209	0208064F	OPERATIONAL HQ—CYBER .....	7,602	7,602
210	0208087F	DISTRIBUTED CYBER WARFARE OPERATIONS .....	35,178	35,178
211	0208088F	AF DEFENSIVE CYBERSPACE OPERATIONS .....	16,609	16,609
212	0208097F	JOINT CYBER COMMAND AND CONTROL (JCC2) .....	11,603	11,603
213	0208099F	UNIFIED PLATFORM (UP) .....	84,702	84,702
218	0301004F	ADVANCED DATA TRANSPORT FLIGHT TEST .....	0	21,000
		Accelerate prototype test of 5G .....		[21,000]
219	0301025F	GEOBASE .....	2,723	2,723
220	0301112F	NUCLEAR PLANNING AND EXECUTION SYSTEM (NPES) .....	44,190	44,190
226	0301401F	AIR FORCE SPACE AND CYBER NON-TRADITIONAL ISR FOR BATTLESPACE AWARENESS .....	3,575	3,575
227	0302015F	E-4B NATIONAL AIRBORNE OPERATIONS CENTER (NAOC) .....	70,173	70,173
228	0303131F	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	13,543	13,543
229	0303133F	HIGH FREQUENCY RADIO SYSTEMS .....	15,881	15,881
230	0303140F	INFORMATION SYSTEMS SECURITY PROGRAM .....	27,726	27,726
232	0303142F	GLOBAL FORCE MANAGEMENT—DATA INITIATIVE .....	2,210	2,210
234	0304115F	MULTI DOMAIN COMMAND AND CONTROL (MDC2) .....	150,880	150,880
235	0304260F	AIRBORNE SIGINT ENTERPRISE .....	102,667	102,667
236	0304310F	COMMERCIAL ECONOMIC ANALYSIS .....	3,431	3,431
239	0305015F	C2 AIR OPERATIONS SUITE—C2 INFO SERVICES .....	9,313	9,313
240	0305020F	CCMD INTELLIGENCE INFORMATION TECHNOLOGY .....	1,121	1,121
241	0305022F	ISR MODERNIZATION & AUTOMATION DVMT (IMAD) .....	19,000	0
		Not mature plan .....		[-19,000]
242	0305099F	GLOBAL AIR TRAFFIC MANAGEMENT (GATM) .....	4,544	4,544
243	0305111F	WEATHER SERVICE .....	25,461	25,461
244	0305114F	AIR TRAFFIC CONTROL, APPROACH, AND LANDING SYSTEM (ATCALS) .....	5,651	5,651
245	0305116F	AERIAL TARGETS .....	7,448	7,448
248	0305128F	SECURITY AND INVESTIGATIVE ACTIVITIES .....	425	425
249	0305145F	ARMS CONTROL IMPLEMENTATION .....	54,546	54,546
250	0305146F	DEFENSE JOINT COUNTERINTELLIGENCE ACTIVITIES .....	6,858	6,858
252	0305179F	INTEGRATED BROADCAST SERVICE (IBS) .....	8,728	8,728
253	0305202F	DRAGON U-2 .....	38,939	38,939
255	0305206F	AIRBORNE RECONNAISSANCE SYSTEMS .....	122,909	122,909
256	0305207F	MANNED RECONNAISSANCE SYSTEMS .....	11,787	11,787
257	0305208F	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	25,009	25,009
258	0305220F	RQ-4 UAV .....	191,733	191,733
259	0305221F	NETWORK-CENTRIC COLLABORATIVE TARGETING .....	10,757	10,757
260	0305238F	NATO AGS .....	32,567	32,567
261	0305240F	SUPPORT TO DCGS ENTERPRISE .....	37,774	37,774
262	0305600F	INTERNATIONAL INTELLIGENCE TECHNOLOGY AND ARCHITECTURES .....	13,515	13,515
263	0305881F	RAPID CYBER ACQUISITION .....	4,383	4,383
264	0305984F	PERSONNEL RECOVERY COMMAND & CTRL (PRC2) .....	2,133	2,133
265	0307577F	INTELLIGENCE MISSION DATA (IMD) .....	8,614	8,614
266	0401115F	C-130 AIRLIFT SQUADRON .....	140,425	140,425
267	0401119F	C-5 AIRLIFT SQUADRONS (IF) .....	10,223	10,223
268	0401130F	C-17 AIRCRAFT (IF) .....	25,101	25,101
269	0401132F	C-130J PROGRAM .....	8,640	8,640
270	0401134F	LARGE AIRCRAFT IR COUNTERMEASURES (LAIRCM) .....	5,424	5,424
272	0401219F	KC-105 .....	20	20
274	0401318F	CV-22 .....	17,906	17,906
276	0408011F	SPECIAL TACTICS / COMBAT CONTROL .....	3,629	3,629
277	0702207F	DEPOT MAINTENANCE (NON-IF) .....	1,890	1,890
278	0708055F	MAINTENANCE, REPAIR & OVERHAUL SYSTEM .....	10,311	10,311
279	0708610F	LOGISTICS INFORMATION TECHNOLOGY (LOGIT) .....	16,065	16,065
280	0708611F	SUPPORT SYSTEMS DEVELOPMENT .....	539	539
281	0804743F	OTHER FLIGHT TRAINING .....	2,057	2,057
282	0808716F	OTHER PERSONNEL ACTIVITIES .....	10	10
283	0901202F	JOINT PERSONNEL RECOVERY AGENCY .....	2,060	2,060
284	0901218F	CIVILIAN COMPENSATION PROGRAM .....	3,809	3,809
285	0901220F	PERSONNEL ADMINISTRATION .....	6,476	6,476
286	0901226F	AIR FORCE STUDIES AND ANALYSIS AGENCY .....	1,443	1,443
287	0901538F	FINANCIAL MANAGEMENT INFORMATION SYSTEMS DEVELOPMENT .....	9,323	9,323
288	0901554F	DEFENSE ENTERPRISE ACNTNG AND MGT SYS (DEAMS) .....	46,789	46,789
289	1201017F	GLOBAL SENSOR INTEGRATED ON NETWORK (GSIN) .....	3,647	3,647
290	1201921F	SERVICE SUPPORT TO STRATCOM—SPACE ACTIVITIES .....	988	988
291	1202140F	SERVICE SUPPORT TO SPACECOM ACTIVITIES .....	11,863	11,863
293	1203001F	FAMILY OF ADVANCED BLOS TERMINALS (FAB-T) .....	197,388	197,388
294	1203110F	SATELLITE CONTROL NETWORK (SPACE) .....	61,891	61,891
297	1203173F	SPACE AND MISSILE TEST AND EVALUATION CENTER .....	4,566	4,566
298	1203174F	SPACE INNOVATION, INTEGRATION AND RAPID TECHNOLOGY DEVELOPMENT .....	43,292	43,292
300	1203182F	SPACELIFT RANGE SYSTEM (SPACE) .....	10,837	10,837
301	1203265F	GPS III SPACE SEGMENT .....	42,440	42,440
302	1203400F	SPACE SUPERIORITY INTELLIGENCE .....	14,428	14,428
303	1203614F	JSPOC MISSION SYSTEM .....	72,762	72,762
304	1203620F	NATIONAL SPACE DEFENSE CENTER .....	2,653	2,653
306	1203873F	BALLISTIC MISSILE DEFENSE RADARS .....	15,881	15,881
308	1203913F	NUDET DETECTION SYSTEM (SPACE) .....	49,300	49,300
309	1203940F	SPACE SITUATION AWARENESS OPERATIONS .....	17,834	17,834
310	1206423F	GLOBAL POSITIONING SYSTEM III—OPERATIONAL CONTROL SEGMENT .....	445,302	445,302
311	1206770F	ENTERPRISE GROUND SERVICES .....	138,870	138,870
999	999999999	CLASSIFIED PROGRAMS .....	18,029,506	18,351,506
		Transfer back to base funding .....		[322,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>24,529,488</b>	<b>24,827,521</b>

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>	<b>45,616,122</b>	<b>46,335,775</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>BASIC RESEARCH</b>		
1	0601000BR	DTRA BASIC RESEARCH	26,000	26,000
2	0601101E	DEFENSE RESEARCH SCIENCES	432,284	432,284
3	0601110D8Z	BASIC RESEARCH INITIATIVES	48,874	58,874
		DEPSCOR		[10,000]
4	0601117E	BASIC OPERATIONAL MEDICAL RESEARCH SCIENCE	54,122	54,122
5	0601120D8Z	NATIONAL DEFENSE EDUCATION PROGRAM	92,074	102,074
		Submarine industrial base workforce training and education		[10,000]
6	0601228D8Z	HISTORICALLY BLACK COLLEGES AND UNIVERSITIES/MINORITY INSTITUTIONS	30,708	32,708
		Aerospace research and education		[2,000]
7	0601384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	45,238	45,238
		<b>SUBTOTAL BASIC RESEARCH</b>	<b>729,300</b>	<b>751,300</b>
		<b>APPLIED RESEARCH</b>		
8	0602000D8Z	JOINT MUNITIONS TECHNOLOGY	19,306	19,306
9	0602115E	BIOMEDICAL TECHNOLOGY	97,771	97,771
11	0602234D8Z	LINCOLN LABORATORY RESEARCH PROGRAM	52,317	52,317
12	0602251D8Z	APPLIED RESEARCH FOR THE ADVANCEMENT OF S&T PRIORITIES	62,200	64,200
		Computer modeling of PFAS		[2,000]
13	0602303E	INFORMATION & COMMUNICATIONS TECHNOLOGY	442,556	442,556
14	0602383E	BIOLOGICAL WARFARE DEFENSE	34,588	34,588
15	0602384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM	202,587	202,587
16	0602668D8Z	CYBER SECURITY RESEARCH	15,118	25,118
		Academic cyber institutes		[10,000]
17	0602702E	TACTICAL TECHNOLOGY	337,602	337,602
18	0602715E	MATERIALS AND BIOLOGICAL TECHNOLOGY	223,976	223,976
19	0602716E	ELECTRONICS TECHNOLOGY	332,192	332,192
20	0602718BR	COUNTER WEAPONS OF MASS DESTRUCTION APPLIED RESEARCH	179,096	179,096
21	0602751D8Z	SOFTWARE ENGINEERING INSTITUTE (SEI) APPLIED RESEARCH	9,580	9,580
22	1160401BB	SOF TECHNOLOGY DEVELOPMENT	40,569	40,569
		<b>SUBTOTAL APPLIED RESEARCH</b>	<b>2,049,458</b>	<b>2,061,458</b>
		<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
23	0603000D8Z	JOINT MUNITIONS ADVANCED TECHNOLOGY	25,779	25,779
24	0603121D8Z	SO/LIC ADVANCED DEVELOPMENT	5,000	5,000
25	0603122D8Z	COMBATING TERRORISM TECHNOLOGY SUPPORT	70,517	70,517
26	0603133D8Z	FOREIGN COMPARATIVE TESTING	24,970	24,970
28	0603160BR	COUNTER WEAPONS OF MASS DESTRUCTION ADVANCED TECHNOLOGY DEVELOPMENT	340,065	340,065
29	0603176C	ADVANCED CONCEPTS AND PERFORMANCE ASSESSMENT	14,208	14,208
30	0603178C	WEAPONS TECHNOLOGY	10,000	10,000
31	0603180C	ADVANCED RESEARCH	20,674	20,674
32	0603225D8Z	JOINT DOD-DOE MUNITIONS TECHNOLOGY DEVELOPMENT	18,773	18,773
33	0603286E	ADVANCED AEROSPACE SYSTEMS	279,741	279,741
34	0603287E	SPACE PROGRAMS AND TECHNOLOGY	202,606	202,606
35	0603288D8Z	ANALYTIC ASSESSMENTS	19,429	19,429
36	0603289D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS	37,645	37,645
37	0603291D8Z	ADVANCED INNOVATIVE ANALYSIS AND CONCEPTS—MHA	14,668	14,668
38	0603294C	COMMON KILL VEHICLE TECHNOLOGY	13,600	13,600
40	0603342D8Z	DEFENSE INNOVATION UNIT (DIU)	29,398	36,898
		Accelerate Artificial Intelligence solutions		[7,500]
41	0603375D8Z	TECHNOLOGY INNOVATION	60,000	60,000
42	0603384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—ADVANCED DEVELOPMENT	172,486	172,486
43	0603527D8Z	RETRACT LARCH	159,688	159,688
44	0603618D8Z	JOINT ELECTRONIC ADVANCED TECHNOLOGY	12,063	12,063
45	0603648D8Z	JOINT CAPABILITY TECHNOLOGY DEMONSTRATIONS	107,359	89,859
		Program reduction		[–17,500]
46	0603662D8Z	NETWORKED COMMUNICATIONS CAPABILITIES	2,858	2,858
47	0603680D8Z	DEFENSE-WIDE MANUFACTURING SCIENCE AND TECHNOLOGY PROGRAM	96,397	96,397
48	0603680S	MANUFACTURING TECHNOLOGY PROGRAM	42,834	42,834
49	0603699D8Z	EMERGING CAPABILITIES TECHNOLOGY DEVELOPMENT	80,911	70,911
		Program reduction		[–10,000]
50	0603712S	GENERIC LOGISTICS R&D TECHNOLOGY DEMONSTRATIONS	10,817	10,817
51	0603716D8Z	STRATEGIC ENVIRONMENTAL RESEARCH PROGRAM	66,157	76,157
		SERDP		[10,000]
52	0603720S	MICROELECTRONICS TECHNOLOGY DEVELOPMENT AND SUPPORT	171,771	171,771
53	0603727D8Z	JOINT WARFIGHTING PROGRAM	4,846	4,846
54	0603739E	ADVANCED ELECTRONICS TECHNOLOGIES	128,616	128,616
55	0603760E	COMMAND, CONTROL AND COMMUNICATIONS SYSTEMS	232,134	232,134
56	0603766E	NETWORK-CENTRIC WARFARE TECHNOLOGY	512,424	512,424
57	0603767E	SENSOR TECHNOLOGY	163,903	163,903
58	0603769D8Z	DISTRIBUTED LEARNING ADVANCED TECHNOLOGY DEVELOPMENT	13,723	13,723
59	0603781D8Z	SOFTWARE ENGINEERING INSTITUTE	15,111	15,111
60	0603826D8Z	QUICK REACTION SPECIAL PROJECTS	47,147	47,147
61	0603833D8Z	ENGINEERING SCIENCE & TECHNOLOGY	19,376	19,376
62	0603924D8Z	HIGH ENERGY LASER ADVANCED TECHNOLOGY PROGRAM	85,223	85,223
63	0603941D8Z	TEST & EVALUATION SCIENCE & TECHNOLOGY	175,574	185,574
		Program increase to support NDS technologies		[10,000]
64	0603950D8Z	NATIONAL SECURITY INNOVATION NETWORK	25,000	25,000
65	0604055D8Z	OPERATIONAL ENERGY CAPABILITY IMPROVEMENT	70,536	70,536
66	030310D8Z	CWMD SYSTEMS	28,907	28,907

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
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Line	Program Element	Item	FY 2020 Request	Senate Authorized
68	1160402B8	SOF ADVANCED TECHNOLOGY DEVELOPMENT .....	89,154	89,154
69	1206310SDA	SPACE SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT .....	20,000	20,000
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT .....</b>	<b>3,742,088</b>	<b>3,742,088</b>
		<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>		
70	0603161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E ADC&P .....	42,695	42,695
71	0603600D8Z	WALKOFF .....	92,791	92,791
72	0603821D8Z	ACQUISITION ENTERPRISE DATA & INFORMATION SERVICES .....	5,659	5,659
73	0603851D8Z	ENVIRONMENTAL SECURITY TECHNICAL CERTIFICATION PROGRAM .....	66,572	76,572
		ESTCP .....		[10,000]
74	0603881C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT .....	302,761	302,761
75	0603882C	BALLISTIC MISSILE DEFENSE MIDCOURSE DEFENSE SEGMENT .....	1,156,506	1,156,506
76	0603884BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—DEM/VAL .....	83,662	83,662
77	0603884C	BALLISTIC MISSILE DEFENSE SENSORS .....	283,487	283,487
78	0603890C	BMD ENABLING PROGRAMS .....	571,507	571,507
79	0603891C	SPECIAL PROGRAMS—MDA .....	377,098	502,098
		Classified .....		[125,000]
80	0603892C	AEGIS BMD .....	727,479	727,479
81	0603896C	BALLISTIC MISSILE DEFENSE COMMAND AND CONTROL, BATTLE MANAGEMENT AND COMMUNICATI .....	564,206	564,206
82	0603898C	BALLISTIC MISSILE DEFENSE JOINT WARFIGHTER SUPPORT .....	51,532	51,532
83	0603904C	MISSILE DEFENSE INTEGRATION & OPERATIONS CENTER (MDIOC) .....	56,161	56,161
84	0603906C	REGARDING TRENCH .....	22,424	22,424
85	0603907C	SEA BASED X-BAND RADAR (SBX) .....	128,156	128,156
86	0603913C	ISRAELI COOPERATIVE PROGRAMS .....	300,000	300,000
87	0603914C	BALLISTIC MISSILE DEFENSE TEST .....	395,924	395,924
88	0603915C	BALLISTIC MISSILE DEFENSE TARGETS .....	554,171	554,171
89	0603920D8Z	HUMANITARIAN DEMINING .....	10,820	10,820
90	0603923D8Z	COALITION WARFARE .....	11,316	11,316
91	0604016D8Z	DEPARTMENT OF DEFENSE CORROSION PROGRAM .....	3,365	3,365
92	0604115C	TECHNOLOGY MATURATION INITIATIVES .....	303,458	269,458
		Neutral particle beam .....		[–34,000]
93	0604132D8Z	MISSILE DEFEAT PROJECT .....	17,816	17,816
95	0604181C	HYPERSONIC DEFENSE .....	157,425	157,425
96	0604250D8Z	ADVANCED INNOVATIVE TECHNOLOGIES .....	1,312,735	1,343,735
		Hypervelocity Gun Weapon System .....		[81,000]
		Unjustified growth to SCO .....		[–50,000]
97	0604294D8Z	TRUSTED & ASSURED MICROELECTRONICS .....	542,421	547,421
		Trusted and assured microelectronics research .....		[5,000]
98	0604331D8Z	RAPID PROTOTYPING PROGRAM .....	100,957	50,957
		Uncoordinated prototyping efforts .....		[–50,000]
99	0604341D8Z	DEFENSE INNOVATION UNIT (DIU) PROTOTYPING .....	92,000	92,000
100	0604400D8Z	DEPARTMENT OF DEFENSE (DOD) UNMANNED SYSTEM COMMON DEVELOPMENT .....	3,021	3,021
102	0604672C	HOMELAND DEFENSE RADAR—HAWAII (HDR-H) .....	274,714	274,714
103	0604673C	PACIFIC DISCRIMINATING RADAR .....	6,711	6,711
104	0604682D8Z	WARGAMING AND SUPPORT FOR STRATEGIC ANALYSIS (SSA) .....	3,751	3,751
105	0604775BR	DEFENSE RAPID INNOVATION PROGRAM .....	14,021	14,021
107	0604826J	JOINT C5 CAPABILITY DEVELOPMENT, INTEGRATION AND INTEROPERABILITY ASSESSMENTS .....	20,062	20,062
108	0604873C	LONG RANGE DISCRIMINATION RADAR (LRDR) .....	136,423	136,423
109	0604874C	IMPROVED HOMELAND DEFENSE INTERCEPTORS .....	412,363	412,363
110	0604876C	BALLISTIC MISSILE DEFENSE TERMINAL DEFENSE SEGMENT TEST .....	25,137	25,137
111	0604878C	AEGIS BMD TEST .....	169,822	169,822
112	0604879C	BALLISTIC MISSILE DEFENSE SENSOR TEST .....	105,530	105,530
113	0604880C	LAND-BASED SM–3 (LBSM3) .....	38,352	38,352
115	0604887C	BALLISTIC MISSILE DEFENSE MIDCOURSE SEGMENT TEST .....	98,139	98,139
117	0300206R	ENTERPRISE INFORMATION TECHNOLOGY SYSTEMS .....	1,600	1,600
118	0303191D8Z	JOINT ELECTROMAGNETIC TECHNOLOGY (JET) PROGRAM .....	3,191	3,191
119	0305103C	CYBER SECURITY INITIATIVE .....	1,138	1,138
120	1206410SDA	SPACE TECHNOLOGY DEVELOPMENT AND PROTOTYPING .....	85,000	55,000
		Missile defense studies realignment .....		[–30,000]
121	1206893C	SPACE TRACKING & SURVEILLANCE SYSTEM .....	35,849	35,849
122	1206895C	BALLISTIC MISSILE DEFENSE SYSTEM SPACE PROGRAMS .....	27,565	135,565
		HBTSS unfunded requirement .....		[108,000]
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES .....</b>	<b>9,797,493</b>	<b>9,962,493</b>
		<b>SYSTEM DEVELOPMENT AND DEMONSTRATION</b>		
123	0604161D8Z	NUCLEAR AND CONVENTIONAL PHYSICAL SECURITY EQUIPMENT RDT&E SDD .....	11,276	11,276
124	0604165D8Z	PROMPT GLOBAL STRIKE CAPABILITY DEVELOPMENT .....	107,000	107,000
125	0604384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM—EMD .....	384,047	384,047
126	0604771D8Z	JOINT TACTICAL INFORMATION DISTRIBUTION SYSTEM (JTIDS) .....	40,102	40,102
127	0605000BR	COUNTER WEAPONS OF MASS DESTRUCTION SYSTEMS DEVELOPMENT .....	13,100	13,100
128	0605013BL	INFORMATION TECHNOLOGY DEVELOPMENT .....	3,070	3,070
129	0605021SE	HOMELAND PERSONNEL SECURITY INITIATIVE .....	7,295	7,295
130	0605022D8Z	DEFENSE EXPORTABILITY PROGRAM .....	17,615	17,615
131	0605027D8Z	OUSDI(C) IT DEVELOPMENT INITIATIVES .....	15,653	15,653
132	0605070S	DOD ENTERPRISE SYSTEMS DEVELOPMENT AND DEMONSTRATION .....	2,378	2,378
133	0605075D8Z	CMO POLICY AND INTEGRATION .....	1,618	1,618
134	0605080S	DEFENSE AGENCY INITIATIVES (DAI)—FINANCIAL SYSTEM .....	27,944	27,944
135	0605090S	DEFENSE RETIRED AND ANNUITANT PAY SYSTEM (DRAS) .....	6,609	6,609
136	0605210D8Z	DEFENSE-WIDE ELECTRONIC PROCUREMENT CAPABILITIES .....	9,619	9,619
137	0605294D8Z	TRUSTED & ASSURED MICROELECTRONICS .....	175,032	175,032
138	0303140BL	INFORMATION SYSTEMS SECURITY PROGRAM .....	425	425
139	0303141K	GLOBAL COMBAT SUPPORT SYSTEM .....	1,578	1,578
140	0305304D8Z	DOD ENTERPRISE ENERGY INFORMATION MANAGEMENT (EEIM) .....	4,373	4,373

SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
141	0305310D8Z	CWMD SYSTEMS: SYSTEM DEVELOPMENT AND DEMONSTRATION .....	12,854	12,854
		<b>SUBTOTAL SYSTEM DEVELOPMENT AND DEMONSTRATION .....</b>	<b>841,588</b>	<b>841,588</b>
		<b>MANAGEMENT SUPPORT</b>		
142	0603829J	JOINT CAPABILITY EXPERIMENTATION .....	13,000	13,000
143	0604774D8Z	DEFENSE READINESS REPORTING SYSTEM (DRRS) .....	9,724	9,724
144	0604875D8Z	JOINT SYSTEMS ARCHITECTURE DEVELOPMENT .....	9,593	9,593
145	0604940D8Z	CENTRAL TEST AND EVALUATION INVESTMENT DEVELOPMENT (CTEIP) .....	260,267	260,267
146	0604942D8Z	ASSESSMENTS AND EVALUATIONS .....	30,834	30,834
147	0605001E	MISSION SUPPORT .....	68,498	68,498
148	0605100D8Z	JOINT MISSION ENVIRONMENT TEST CAPABILITY (JMETC) .....	83,091	89,091
		Cyber range development .....		[6,000]
149	0605104D8Z	TECHNICAL STUDIES, SUPPORT AND ANALYSIS .....	18,079	13,079
		Program reduction .....		[-5,000]
150	0605126J	JOINT INTEGRATED AIR AND MISSILE DEFENSE ORGANIZATION (JIAMDO) .....	70,038	70,038
152	0605142D8Z	SYSTEMS ENGINEERING .....	37,140	32,140
		Program reduction .....		[-5,000]
153	0605151D8Z	STUDIES AND ANALYSIS SUPPORT—OSD .....	4,759	4,759
154	0605161D8Z	NUCLEAR MATTERS-PHYSICAL SECURITY .....	8,307	8,307
155	0605170D8Z	SUPPORT TO NETWORKS AND INFORMATION INTEGRATION .....	9,441	9,441
156	0605200D8Z	GENERAL SUPPORT TO USD (INTELLIGENCE) .....	1,700	1,700
157	0605384BP	CHEMICAL AND BIOLOGICAL DEFENSE PROGRAM .....	110,363	110,363
166	0605790D8Z	SMALL BUSINESS INNOVATION RESEARCH (SBIR)/ SMALL BUSINESS TECHNOLOGY TRANSFER .....	3,568	3,568
167	0605797D8Z	MAINTAINING TECHNOLOGY ADVANTAGE .....	19,936	19,936
168	0605798D8Z	DEFENSE TECHNOLOGY ANALYSIS .....	16,875	16,875
169	0605801KA	DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	57,716	57,716
170	0605803SE	R&D IN SUPPORT OF DOD ENLISTMENT, TESTING AND EVALUATION .....	34,448	34,448
171	0605804D8Z	DEVELOPMENT TEST AND EVALUATION .....	22,203	22,203
172	0605898E	MANAGEMENT HQ—R&D .....	13,208	13,208
173	0605998KA	MANAGEMENT HQ—DEFENSE TECHNICAL INFORMATION CENTER (DTIC) .....	3,027	3,027
174	0606100D8Z	BUDGET AND PROGRAM ASSESSMENTS .....	8,017	8,017
175	0606225D8Z	ODNA TECHNOLOGY AND RESOURCE ANALYSIS .....	3,194	3,194
176	0606589D8W	DEFENSE DIGITAL SERVICE (DDS) DEVELOPMENT SUPPORT .....	1,000	6,000
		Increase .....		[5,000]
179	0203345D8Z	DEFENSE OPERATIONS SECURITY INITIATIVE (DOSI) .....	3,037	3,037
180	0204571J	JOINT STAFF ANALYTICAL SUPPORT .....	9,216	9,216
183	0303166J	SUPPORT TO INFORMATION OPERATIONS (IO) CAPABILITIES .....	553	553
184	0303260D8Z	DEFENSE MILITARY DECEPTION PROGRAM OFFICE (DMDPO) .....	1,014	1,014
185	0305172K	COMBINED ADVANCED APPLICATIONS .....	58,667	58,667
187	0305245D8Z	INTELLIGENCE CAPABILITIES AND INNOVATION INVESTMENTS .....	21,081	21,081
189	0307588D8Z	ALGORITHMIC WARFARE CROSS FUNCTIONAL TEAMS .....	221,235	221,235
191	0804768J	COCOM EXERCISE ENGAGEMENT AND TRAINING TRANSFORMATION (CE2T2)—NON-MHA .....	40,073	40,073
192	0808709SE	DEFENSE EQUAL OPPORTUNITY MANAGEMENT INSTITUTE (DEOMI) .....	100	100
193	0901598C	MANAGEMENT HQ—MDA .....	27,065	27,065
194	0903235K	JOINT SERVICE PROVIDER (JSP) .....	3,090	3,090
999	9999999999	CLASSIFIED PROGRAMS .....	51,471	51,471
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>1,354,628</b>	<b>1,355,628</b>
		<b>OPERATIONAL SYSTEM DEVELOPMENT</b>		
195	0604130V	ENTERPRISE SECURITY SYSTEM (ESS) .....	7,945	7,945
196	0604532K	JOINT ARTIFICIAL INTELLIGENCE .....	208,834	208,834
197	0605127T	REGIONAL INTERNATIONAL OUTREACH (RIO) AND PARTNERSHIP FOR PEACE INFORMATION MANA .....	1,947	1,947
198	0605147T	OVERSEAS HUMANITARIAN ASSISTANCE SHARED INFORMATION SYSTEM (OHAISIS) .....	310	310
199	0607210D8Z	INDUSTRIAL BASE ANALYSIS AND SUSTAINMENT SUPPORT .....	10,051	48,551
		Advanced systems manufacturing .....		[5,000]
		Composite manufacturing technologies .....		[15,000]
		Printed circuit boards .....		[15,000]
		Rare earth element production .....		[3,500]
200	0607310D8Z	CWMD SYSTEMS: OPERATIONAL SYSTEMS DEVELOPMENT .....	12,734	12,734
201	0607327T	GLOBAL THEATER SECURITY COOPERATION MANAGEMENT INFORMATION SYSTEMS (G-TSCMIS) .....	14,800	14,800
202	0607384BP	CHEMICAL AND BIOLOGICAL DEFENSE (OPERATIONAL SYSTEMS DEVELOPMENT) .....	54,023	54,023
203	0208043J	PLANNING AND DECISION AID SYSTEM (PDAS) .....	4,537	4,537
204	0208045K	C4I INTEROPERABILITY .....	64,122	64,122
210	0302019K	DEFENSE INFO INFRASTRUCTURE ENGINEERING AND INTEGRATION .....	15,798	15,798
211	0303126K	LONG-HAUL COMMUNICATIONS—DCS .....	11,166	11,166
212	0303131K	MINIMUM ESSENTIAL EMERGENCY COMMUNICATIONS NETWORK (MEECN) .....	17,383	17,383
214	0303136G	KEY MANAGEMENT INFRASTRUCTURE (KMI) .....	54,516	54,516
215	0303140D8Z	INFORMATION SYSTEMS SECURITY PROGRAM .....	67,631	67,631
216	0303140G	INFORMATION SYSTEMS SECURITY PROGRAM .....	289,080	287,198
		Sharkseer transfer .....		[-1,882]
217	0303140K	INFORMATION SYSTEMS SECURITY PROGRAM .....	42,796	44,678
		Sharkseer transfer .....		[1,882]
218	0303150K	GLOBAL COMMAND AND CONTROL SYSTEM .....	25,218	25,218
219	0303153K	DEFENSE SPECTRUM ORGANIZATION .....	21,698	21,698
220	0303228K	JOINT REGIONAL SECURITY STACKS (JRSS) .....	18,077	18,077
222	0303430K	FEDERAL INVESTIGATIVE SERVICES INFORMATION TECHNOLOGY .....	44,001	44,001
228	0305128V	SECURITY AND INVESTIGATIVE ACTIVITIES .....	2,400	17,400
		Local criminal records access .....		[15,000]
232	0305186D8Z	POLICY R&D PROGRAMS .....	6,301	6,301
233	0305199D8Z	NET CENTRICITY .....	21,384	21,384
235	0305208BB	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	6,359	6,359
238	0305208K	DISTRIBUTED COMMON GROUND/SURFACE SYSTEMS .....	2,981	2,981
241	0305327V	INSIDER THREAT .....	1,964	1,964

**SEC. 4201. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
242	0305387D8Z	HOMELAND DEFENSE TECHNOLOGY TRANSFER PROGRAM .....	2,221	2,221
250	0708012K	LOGISTICS SUPPORT ACTIVITIES .....	1,361	1,361
251	0708012S	PACIFIC DISASTER CENTERS .....	1,770	1,770
252	0708047S	DEFENSE PROPERTY ACCOUNTABILITY SYSTEM .....	3,679	3,679
254	1105219BB	MQ-9 UAV .....	20,697	20,697
256	1160403BB	AVIATION SYSTEMS .....	245,795	254,595
		UPL Future vertical lift .....		[8,800]
257	1160405BB	INTELLIGENCE SYSTEMS DEVELOPMENT .....	15,484	15,484
258	1160408BB	OPERATIONAL ENHANCEMENTS .....	166,922	166,922
259	1160431BB	WARRIOR SYSTEMS .....	62,332	62,332
260	1160432BB	SPECIAL PROGRAMS .....	21,805	21,805
261	1160434BB	UNMANNED ISR .....	37,377	37,377
262	1160480BB	SOF TACTICAL VEHICLES .....	11,150	11,150
263	1160483BB	MARITIME SYSTEMS .....	72,626	72,626
264	1160489BB	GLOBAL VIDEO SURVEILLANCE ACTIVITIES .....	5,363	5,363
265	1160490BB	OPERATIONAL ENHANCEMENTS INTELLIGENCE .....	12,962	12,962
266	1203610K	TELEPORT PROGRAM .....	6,158	6,158
300	0604011D8Z	NEXT GENERATION INFORMATION COMMUNICATIONS TECHNOLOGY (5G) .....	0	25,000
		DOD Spectrum Sharing program .....		[25,000]
999	9999999999	CLASSIFIED PROGRAMS .....	4,116,640	4,542,640
		Transfer back to base funding .....		[426,000]
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT .....</b>	<b>5,832,398</b>	<b>6,345,698</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW .....</b>	<b>24,346,953</b>	<b>25,060,253</b>
		<b>OPERATIONAL TEST &amp; EVAL, DEFENSE</b>		
		<b>MANAGEMENT SUPPORT</b>		
1	06051180TE	OPERATIONAL TEST AND EVALUATION .....	93,291	93,291
2	06051310TE	LIVE FIRE TEST AND EVALUATION .....	69,172	69,172
3	06058140TE	OPERATIONAL TEST ACTIVITIES AND ANALYSES .....	58,737	58,737
		<b>SUBTOTAL MANAGEMENT SUPPORT .....</b>	<b>221,200</b>	<b>221,200</b>
		<b>TOTAL OPERATIONAL TEST &amp; EVAL, DEFENSE .....</b>	<b>221,200</b>	<b>221,200</b>
		<b>TOTAL RDT&amp;E .....</b>	<b>102,647,545</b>	<b>104,023,113</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION FOR OVERSEAS CONTINGENCY OPERATIONS.**

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**  
**FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Program Element	Item	FY 2020 Request	Senate Authorized
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY</b>		
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
74	0603327A	AIR AND MISSILE DEFENSE SYSTEMS ENGINEERING .....	500	500
79	0603747A	SOLDIER SUPPORT AND SURVIVABILITY .....	3,000	3,000
85	0603804A	LOGISTICS AND ENGINEER EQUIPMENT—ADV DEV .....	1,085	1,085
95	0604117A	MANEUVER—SHORT RANGE AIR DEFENSE (M-SHORAD) .....	6,000	6,000
97	0604119A	ARMY ADVANCED COMPONENT DEVELOPMENT & PROTOTYPING .....	4,529	4,529
105	0604785A	INTEGRATED BASE DEFENSE (BUDGET ACTIVITY 4) .....	2,000	2,000
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>17,114</b>	<b>17,114</b>
		<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
151	0605035A	COMMON INFRARED COUNTERMEASURES (CIRCM) .....	11,770	11,770
159	0605051A	AIRCRAFT SURVIVABILITY DEVELOPMENT .....	77,420	77,420
163	0605203A	ARMY SYSTEM DEVELOPMENT & DEMONSTRATION .....	19,527	19,527
174	0304270A	ELECTRONIC WARFARE DEVELOPMENT .....	3,200	3,200
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION .....</b>	<b>111,917</b>	<b>111,917</b>
		<b>RDT&amp;E MANAGEMENT SUPPORT</b>		
200	0606003A	COUNTERINTEL AND HUMAN INTEL MODERNIZATION .....	1,875	1,875
		<b>SUBTOTAL RDT&amp;E MANAGEMENT SUPPORT .....</b>	<b>1,875</b>	<b>1,875</b>
		<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
238	0303028A	SECURITY AND INTELLIGENCE ACTIVITIES .....	22,904	22,904
246	0305204A	TACTICAL UNMANNED AERIAL VEHICLES .....	34,100	34,100
247	0305206A	AIRBORNE RECONNAISSANCE SYSTEMS .....	14,000	14,000
252	0307665A	BIOMETRICS ENABLED INTELLIGENCE .....	2,214	2,214
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT .....</b>	<b>73,218</b>	<b>73,218</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, ARMY .....</b>	<b>204,124</b>	<b>204,124</b>
		<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b>		
		<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
28	0603207N	AIR/OCEAN TACTICAL APPLICATIONS .....	2,400	2,400
38	0603527N	RETRACT LARCH .....	22,000	22,000
57	0603654N	JOINT SERVICE EXPLOSIVE ORDNANCE DEVELOPMENT .....	14,178	14,178
69	0603795N	LAND ATTACK TECHNOLOGY .....	1,428	1,428
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES .....</b>	<b>40,006</b>	<b>40,006</b>

**SEC. 4202. RESEARCH, DEVELOPMENT, TEST, AND EVALUATION  
FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)**

Line	Program Element	Item	FY 2020 Request	Senate Authorized
143	0604755N	<b>SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b>		
		SHIP SELF DEFENSE (DETECT & CONTROL) .....	1,122	1,122
		<b>SUBTOTAL SYSTEM DEVELOPMENT &amp; DEMONSTRATION</b> .....	<b>1,122</b>	<b>1,122</b>
228	0206313M	<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
999	9999999999	MARINE CORPS COMMUNICATIONS SYSTEMS .....	15,000	15,000
		CLASSIFIED PROGRAMS .....	108,282	108,282
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>123,282</b>	<b>123,282</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, NAVY</b> .....	<b>164,410</b>	<b>164,410</b>
48	0604858F	<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b>		
72	1206857F	<b>ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b>		
		TECH TRANSITION PROGRAM .....	26,450	26,450
		SPACE RAPID CAPABILITIES OFFICE .....	17,885	17,885
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT &amp; PROTOTYPES</b> .....	<b>44,335</b>	<b>44,335</b>
177	0205671F	<b>OPERATIONAL SYSTEMS DEVELOPMENT</b>		
217	0208288F	JOINT COUNTER RCIED ELECTRONIC WARFARE .....	4,000	4,000
999	9999999999	INTEL DATA APPLICATIONS .....	1,200	1,200
		CLASSIFIED PROGRAMS .....	400,713	78,713
		Transfer back to base funding .....		[-322,000]
		<b>SUBTOTAL OPERATIONAL SYSTEMS DEVELOPMENT</b> .....	<b>405,913</b>	<b>83,913</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, AF</b> .....	<b>450,248</b>	<b>128,248</b>
10	0602134BR	<b>RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b>		
		<b>APPLIED RESEARCH</b>		
		COUNTER IMPROVISED-THREAT ADVANCED STUDIES .....	1,677	1,677
		<b>SUBTOTAL APPLIED RESEARCH</b> .....	<b>1,677</b>	<b>1,677</b>
25	0603122D8Z	<b>ADVANCED TECHNOLOGY DEVELOPMENT</b>		
27	0603134BR	COMBATING TERRORISM TECHNOLOGY SUPPORT .....	25,230	25,230
		COUNTER IMPROVISED-THREAT SIMULATION .....	49,528	49,528
		<b>SUBTOTAL ADVANCED TECHNOLOGY DEVELOPMENT</b> .....	<b>74,758</b>	<b>74,758</b>
94	0604134BR	<b>ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b>		
		COUNTER IMPROVISED-THREAT DEMONSTRATION, PROTOTYPE DEVELOPMENT, AND TESTING .....	113,590	113,590
		<b>SUBTOTAL ADVANCED COMPONENT DEVELOPMENT AND PROTOTYPES</b> .....	<b>113,590</b>	<b>113,590</b>
258	1160408BB	<b>OPERATIONAL SYSTEM DEVELOPMENT</b>		
259	1160431BB	OPERATIONAL ENHANCEMENTS .....	726	726
261	1160434BB	WARRIOR SYSTEMS .....	6,000	6,000
999	9999999999	UNMANNED ISR .....	5,000	5,000
		CLASSIFIED PROGRAMS .....	626,199	200,199
		Transfer back to base funding .....		[-426,000]
		<b>SUBTOTAL OPERATIONAL SYSTEM DEVELOPMENT</b> .....	<b>637,925</b>	<b>211,925</b>
		<b>TOTAL RESEARCH, DEVELOPMENT, TEST &amp; EVAL, DW</b> .....	<b>827,950</b>	<b>401,950</b>
		<b>TOTAL RDT&amp;E</b> .....	<b>1,646,732</b>	<b>898,732</b>

**TITLE XLIII—OPERATION AND  
MAINTENANCE**

**SEC. 4301. OPERATION AND MAINTENANCE.**

**SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)**

Line	Item	FY 2020 Request	Senate Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	0	1,735,922
	Transfer back to base funding .....		[1,735,922]
020	MODULAR SUPPORT BRIGADES .....	0	127,815
	Transfer back to base funding .....		[127,815]
030	ECHELONS ABOVE BRIGADE .....	0	716,356
	Transfer back to base funding .....		[716,356]
040	THEATER LEVEL ASSETS .....	0	890,891
	Transfer back to base funding .....		[890,891]
050	LAND FORCES OPERATIONS SUPPORT .....	0	1,232,477
	Transfer back to base funding .....		[1,232,477]
060	AVIATION ASSETS .....	0	1,355,606
	Transfer back to base funding .....		[1,355,606]
070	FORCE READINESS OPERATIONS SUPPORT .....	408,031	3,882,315
	Transfer back to base funding .....		[3,474,284]



SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
080	LAND FORCES SYSTEMS READINESS .....	417,069	446,269
	UPL MDTF INDOPACOM .....		[29,200]
090	LAND FORCES DEPOT MAINTENANCE .....	0	1,633,327
	Transfer back to base funding .....		[1,633,327]
100	BASE OPERATIONS SUPPORT .....	0	7,951,473
	Historical underexecution .....		[–46,000]
	Revised MHPI cost share .....		[–50,460]
	Transfer back to base funding .....		[8,047,933]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	4,326,840	4,326,840
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	405,612	405,612
160	US AFRICA COMMAND .....	251,511	251,511
170	US EUROPEAN COMMAND .....	146,358	154,158
	JIOCEUR JAC Molesworth .....		[7,800]
180	US SOUTHERN COMMAND .....	191,840	191,840
190	US FORCES KOREA .....	57,603	57,603
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS .....	423,156	423,156
210	CYBERSPACE ACTIVITIES—CYBERSECURITY .....	551,185	551,185
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>7,179,205</b>	<b>26,334,356</b>
	<b>MOBILIZATION</b>		
220	STRATEGIC MOBILITY .....	380,577	380,577
230	ARMY PREPOSITIONED STOCKS .....	362,942	362,942
240	INDUSTRIAL PREPAREDNESS .....	4,637	4,637
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>748,156</b>	<b>748,156</b>
	<b>TRAINING AND RECRUITING</b>		
250	OFFICER ACQUISITION .....	157,175	157,175
260	RECRUIT TRAINING .....	55,739	55,739
270	ONE STATION UNIT TRAINING .....	62,300	62,300
280	SENIOR RESERVE OFFICERS TRAINING CORPS .....	538,357	538,357
290	SPECIALIZED SKILL TRAINING .....	969,813	969,813
300	FLIGHT TRAINING .....	1,234,049	1,234,049
310	PROFESSIONAL DEVELOPMENT EDUCATION .....	218,338	218,338
320	TRAINING SUPPORT .....	554,659	554,659
330	RECRUITING AND ADVERTISING .....	716,056	636,056
	Unjustified growth for advertising .....		[–70,000]
	Unjustified growth for recruiting .....		[–10,000]
340	EXAMINING .....	185,034	185,034
350	OFF-DUTY AND VOLUNTARY EDUCATION .....	214,275	214,275
360	CIVILIAN EDUCATION AND TRAINING .....	147,647	147,647
370	JUNIOR RESERVE OFFICER TRAINING CORPS .....	173,812	173,812
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>5,227,254</b>	<b>5,147,254</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
390	SERVICEWIDE TRANSPORTATION .....	559,229	559,229
400	CENTRAL SUPPLY ACTIVITIES .....	929,944	929,944
410	LOGISTIC SUPPORT ACTIVITIES .....	629,981	629,981
420	AMMUNITION MANAGEMENT .....	458,771	458,771
430	ADMINISTRATION .....	428,768	428,768
440	SERVICEWIDE COMMUNICATIONS .....	1,512,736	1,512,736
450	MANPOWER MANAGEMENT .....	272,738	272,738
460	OTHER PERSONNEL SUPPORT .....	391,869	363,869
	Historical underexecution .....		[–28,000]
470	OTHER SERVICE SUPPORT .....	1,901,165	1,901,165
480	ARMY CLAIMS ACTIVITIES .....	198,765	183,765
	Historical underexecution .....		[–15,000]
490	REAL ESTATE MANAGEMENT .....	226,248	226,248
500	FINANCIAL MANAGEMENT AND AUDIT READINESS .....	315,489	315,489
510	INTERNATIONAL MILITARY HEADQUARTERS .....	427,254	427,254
520	MISC. SUPPORT OF OTHER NATIONS .....	43,248	43,248
9999	CLASSIFIED PROGRAMS .....	1,347,053	1,347,053
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>9,643,258</b>	<b>9,600,258</b>
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	103,800
	Cyber operations-peculiar capability development projects .....		[3,000]
	Single family home pilot program .....		[1,000]
	THAAD sustainment program transfer from MDA .....		[99,800]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....	<b>0</b>	<b>103,800</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>22,797,873</b>	<b>41,933,824</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES OPERATING FORCES</b>		

SEC. 4301. OPERATION AND MAINTENANCE  
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Line	Item	FY 2020 Request	Senate Authorized
010	MODULAR SUPPORT BRIGADES .....	0	11,927
	Transfer back to base funding .....		[11,927]
020	ECHELONS ABOVE BRIGADE .....	0	533,015
	Transfer back to base funding .....		[533,015]
030	THEATER LEVEL ASSETS .....	0	119,517
	Transfer back to base funding .....		[119,517]
040	LAND FORCES OPERATIONS SUPPORT .....	0	550,468
	Transfer back to base funding .....		[550,468]
050	AVIATION ASSETS .....	0	86,670
	Transfer back to base funding .....		[86,670]
060	FORCE READINESS OPERATIONS SUPPORT .....	390,061	390,061
070	LAND FORCES SYSTEMS READINESS .....	101,890	101,890
080	LAND FORCES DEPOT MAINTENANCE .....	0	48,503
	Transfer back to base funding .....		[48,503]
090	BASE OPERATIONS SUPPORT .....	0	598,907
	Transfer back to base funding .....		[598,907]
100	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	444,376	444,376
110	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	22,095	22,095
120	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS .....	3,288	3,288
130	CYBERSPACE ACTIVITIES—CYBERSECURITY .....	7,655	7,655
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>969,365</b>	<b>2,918,372</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
140	SERVICEWIDE TRANSPORTATION .....	14,533	14,533
150	ADMINISTRATION .....	17,231	17,231
160	SERVICEWIDE COMMUNICATIONS .....	14,304	14,304
170	MANPOWER MANAGEMENT .....	6,129	6,129
180	RECRUITING AND ADVERTISING .....	58,541	58,541
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>110,738</b>	<b>110,738</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>1,080,103</b>	<b>3,029,110</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG OPERATING FORCES</b>		
010	MANEUVER UNITS .....	0	805,671
	Transfer back to base funding .....		[805,671]
020	MODULAR SUPPORT BRIGADES .....	0	195,334
	Transfer back to base funding .....		[195,334]
030	ECHELONS ABOVE BRIGADE .....	0	771,048
	Transfer back to base funding .....		[771,048]
040	THEATER LEVEL ASSETS .....	0	94,726
	Transfer back to base funding .....		[94,726]
050	LAND FORCES OPERATIONS SUPPORT .....	0	33,696
	Transfer back to base funding .....		[33,696]
060	AVIATION ASSETS .....	0	981,819
	Transfer back to base funding .....		[981,819]
070	FORCE READINESS OPERATIONS SUPPORT .....	743,206	743,206
080	LAND FORCES SYSTEMS READINESS .....	50,963	50,963
090	LAND FORCES DEPOT MAINTENANCE .....	0	258,278
	Transfer back to base funding .....		[258,278]
100	BASE OPERATIONS SUPPORT .....	0	1,153,076
	Transfer back to base funding .....		[1,153,076]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,113,475	1,120,675
	Damage assessment .....		[7,200]
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	1,001,042	1,001,042
130	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS .....	8,448	8,448
140	CYBERSPACE ACTIVITIES—CYBERSECURITY .....	7,768	7,768
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,924,902</b>	<b>7,225,750</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
150	SERVICEWIDE TRANSPORTATION .....	9,890	9,890
160	ADMINISTRATION .....	71,070	71,070
170	SERVICEWIDE COMMUNICATIONS .....	68,213	68,213
180	MANPOWER MANAGEMENT .....	8,628	8,628
190	OTHER PERSONNEL SUPPORT .....	250,376	247,376
	Unjustified growth for marketing .....		[–1,500]
	Unjustified growth for recruiting .....		[–1,500]
200	REAL ESTATE MANAGEMENT .....	2,676	2,676
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>410,853</b>	<b>407,853</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>3,335,755</b>	<b>7,633,603</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY OPERATING FORCES</b>		

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Line	Item	FY 2020 Request	Senate Authorized
010	MISSION AND OTHER FLIGHT OPERATIONS .....	0	2,877,800
	Transfer back to base funding .....		[2,877,800]
020	FLEET AIR TRAINING .....	2,284,828	2,284,828
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	0	59,299
	Transfer back to base funding .....		[59,299]
040	AIR OPERATIONS AND SAFETY SUPPORT .....	155,896	155,896
050	AIR SYSTEMS SUPPORT .....	719,107	719,107
060	AIRCRAFT DEPOT MAINTENANCE .....	0	1,154,181
	Transfer back to base funding .....		[1,154,181]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	60,402	60,402
080	AVIATION LOGISTICS .....	1,241,421	1,241,421
090	MISSION AND OTHER SHIP OPERATIONS .....	0	4,097,262
	Transfer back to base funding .....		[4,097,262]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	1,031,792	1,031,792
110	SHIP DEPOT MAINTENANCE .....	0	8,875,298
	Transfer back to base funding .....		[8,061,298]
	UPL SSN and Ship maintenance increase .....		[814,000]
120	SHIP DEPOT OPERATIONS SUPPORT .....	0	2,073,641
	Transfer back to base funding .....		[2,073,641]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE .....	1,378,856	1,378,856
140	SPACE SYSTEMS AND SURVEILLANCE .....	276,245	276,245
150	WARFARE TACTICS .....	675,209	675,209
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	389,516	389,516
170	COMBAT SUPPORT FORCES .....	1,536,310	1,536,310
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT .....	161,579	161,579
190	COMBATANT COMMANDERS CORE OPERATIONS .....	59,521	59,521
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	93,978	98,978
	Posture site assessments INDOPACOM .....		[5,000]
210	MILITARY INFORMATION SUPPORT OPERATIONS .....	8,641	8,641
220	CYBERSPACE ACTIVITIES .....	496,385	496,385
230	FLEET BALLISTIC MISSILE .....	1,423,339	1,423,339
240	WEAPONS MAINTENANCE .....	924,069	924,069
250	OTHER WEAPON SYSTEMS SUPPORT .....	540,210	540,210
260	ENTERPRISE INFORMATION .....	1,131,627	1,131,627
270	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	3,029,634	3,029,634
280	BASE OPERATING SUPPORT .....	0	4,433,783
	Revised MHPJ cost share .....		[18,840]
	Transfer back to base funding .....		[4,414,943]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>17,618,565</b>	<b>41,194,829</b>
	<b>MOBILIZATION</b>		
290	SHIP PREPOSITIONING AND SURGE .....	942,902	942,902
300	READY RESERVE FORCE .....	352,044	352,044
310	SHIP ACTIVATIONS/INACTIVATIONS .....	427,555	427,555
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	137,597	137,597
330	COAST GUARD SUPPORT .....	24,604	24,604
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>1,884,702</b>	<b>1,884,702</b>
	<b>TRAINING AND RECRUITING</b>		
340	OFFICER ACQUISITION .....	150,765	150,765
350	RECRUIT TRAINING .....	11,584	11,584
360	RESERVE OFFICERS TRAINING CORPS .....	159,133	159,133
370	SPECIALIZED SKILL TRAINING .....	911,316	911,316
380	PROFESSIONAL DEVELOPMENT EDUCATION .....	185,211	185,211
390	TRAINING SUPPORT .....	267,224	267,224
400	RECRUITING AND ADVERTISING .....	209,252	189,252
	Unjustified growth .....		[-20,000]
410	OFF-DUTY AND VOLUNTARY EDUCATION .....	88,902	88,902
420	CIVILIAN EDUCATION AND TRAINING .....	67,492	67,492
430	JUNIOR ROTC .....	55,164	55,164
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>2,106,043</b>	<b>2,086,043</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
440	ADMINISTRATION .....	1,143,358	1,092,358
	Decrease .....		[-1,000]
	Unjustified audit growth .....		[-50,000]
450	CIVILIAN MANPOWER AND PERSONNEL MANAGEMENT .....	178,342	178,342
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	418,413	418,413
490	SERVICEWIDE TRANSPORTATION .....	157,465	157,465
510	PLANNING, ENGINEERING, AND PROGRAM SUPPORT .....	485,397	490,397
	REPO .....		[5,000]
520	ACQUISITION, LOGISTICS, AND OVERSIGHT .....	654,137	654,137
530	INVESTIGATIVE AND SECURITY SERVICES .....	718,061	718,061
9999	CLASSIFIED PROGRAMS .....	588,235	591,535

SEC. 4301. OPERATION AND MAINTENANCE  
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Line	Item	FY 2020 Request	Senate Authorized
	Transfer back to base funding .....		[3,300]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>4,343,408</b>	<b>4,300,708</b>
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	3,000
	Cyber operations-peculiar capability development projects .....		[3,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....	<b>0</b>	<b>3,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY</b> .....	<b>25,952,718</b>	<b>49,469,282</b>
	<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>		
	<b>OPERATING FORCES</b>		
010	OPERATIONAL FORCES .....	0	968,224
	Transfer back to base funding .....		[968,224]
020	FIELD LOGISTICS .....	1,278,533	1,278,533
030	DEPOT MAINTENANCE .....	0	232,991
	Transfer back to base funding .....		[232,991]
040	MARITIME PREPOSITIONING .....	0	100,396
	Transfer back to base funding .....		[100,396]
050	CYBERSPACE ACTIVITIES .....	203,580	203,580
060	SUSTAINMENT, RESTORATION & MODERNIZATION .....	1,115,742	1,559,034
	Transfer back to base funding .....		[443,292]
070	BASE OPERATING SUPPORT .....	0	2,253,776
	Transfer back to base funding .....		[2,253,776]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>2,597,855</b>	<b>6,596,534</b>
	<b>TRAINING AND RECRUITING</b>		
080	RECRUIT TRAINING .....	21,240	21,240
090	OFFICER ACQUISITION .....	1,168	1,168
100	SPECIALIZED SKILL TRAINING .....	106,601	106,601
110	PROFESSIONAL DEVELOPMENT EDUCATION .....	49,095	49,095
120	TRAINING SUPPORT .....	407,315	407,315
130	RECRUITING AND ADVERTISING .....	210,475	210,475
140	OFF-DUTY AND VOLUNTARY EDUCATION .....	42,810	42,810
150	JUNIOR ROTC .....	25,183	25,183
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>863,887</b>	<b>863,887</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
160	SERVICEWIDE TRANSPORTATION .....	29,894	29,894
170	ADMINISTRATION .....	384,352	384,352
9999	CLASSIFIED PROGRAMS .....	52,057	52,057
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>466,303</b>	<b>466,303</b>
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	3,000
	Cyber operations-peculiar capability development .....		[3,000]
	<b>SUBTOTAL UNDISTRIBUTED</b> .....	<b>0</b>	<b>3,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS</b> .....	<b>3,928,045</b>	<b>7,929,724</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	0	654,220
	Transfer back to base funding .....		[654,220]
020	INTERMEDIATE MAINTENANCE .....	8,767	8,767
030	AIRCRAFT DEPOT MAINTENANCE .....	0	108,236
	Transfer back to base funding .....		[108,236]
040	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	463	463
050	AVIATION LOGISTICS .....	26,014	26,014
060	SHIP OPERATIONS SUPPORT & TRAINING .....	583	583
070	COMBAT COMMUNICATIONS .....	17,883	17,883
080	COMBAT SUPPORT FORCES .....	128,079	128,079
090	CYBERSPACE ACTIVITIES .....	356	356
100	ENTERPRISE INFORMATION .....	26,133	26,133
110	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	35,397	35,397
120	BASE OPERATING SUPPORT .....	0	101,376
	Transfer back to base funding .....		[101,376]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>243,675</b>	<b>1,107,507</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
130	ADMINISTRATION .....	1,888	1,888
140	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	12,778	12,778
150	ACQUISITION AND PROGRAM MANAGEMENT .....	2,943	2,943
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>17,609</b>	<b>17,609</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES</b>	<b>261,284</b>	<b>1,125,116</b>
	<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>		
	<b>OPERATING FORCES</b>		
010	OPERATING FORCES	0	106,484
	Transfer back to base funding		[106,484]
020	DEPOT MAINTENANCE	0	18,429
	Transfer back to base funding		[18,429]
030	SUSTAINMENT, RESTORATION AND MODERNIZATION	47,516	47,516
040	BASE OPERATING SUPPORT	0	106,073
	Transfer back to base funding		[106,073]
	<b>SUBTOTAL OPERATING FORCES</b>	<b>47,516</b>	<b>278,502</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
050	ADMINISTRATION	13,574	13,574
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b>	<b>13,574</b>	<b>13,574</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE</b>	<b>61,090</b>	<b>292,076</b>
	<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>		
	<b>OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES	729,127	729,127
020	COMBAT ENHANCEMENT FORCES	1,318,770	1,318,770
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS)	1,486,790	1,486,790
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE	0	3,334,792
	Transfer back to base funding		[3,334,792]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION	3,675,824	4,142,435
	Transfer back to base funding		[466,611]
060	CYBERSPACE SUSTAINMENT	0	228,811
	Transfer back to base funding		[228,811]
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT	0	8,329,364
	Transfer back to base funding		[8,329,364]
080	FLYING HOUR PROGRAM	0	4,048,773
	Transfer back to base funding		[4,048,773]
090	BASE SUPPORT	0	7,191,582
	Revised MHPJ cost share		[-32,400]
	Transfer back to base funding		[7,223,982]
100	GLOBAL C3I AND EARLY WARNING	964,553	964,553
110	OTHER COMBAT OPS SPT PROGRAMS	1,032,307	1,032,307
120	CYBERSPACE ACTIVITIES	670,076	670,076
140	LAUNCH FACILITIES	179,980	179,980
150	SPACE CONTROL SYSTEMS	467,990	467,990
160	US NORTHCOM/NORAD	184,655	184,655
170	US STRATCOM	478,357	478,357
180	US CYBERCOM	323,121	347,921
	Accelerate development Cyber National Mission Force capabilities		[1,500]
	Cyber National Mission Force Mobile & Modular Hunt Forward Kit		[5,300]
	ETERNALDARKNESS		[18,000]
190	US CENTCOM	160,989	160,989
200	US SOCOM	6,225	6,225
210	US TRANSCOM	544	544
220	CENTCOM CYBERSPACE SUSTAINMENT	2,073	2,073
230	USSPACECOM	70,588	70,588
9999	CLASSIFIED PROGRAMS	1,322,944	1,322,944
	<b>SUBTOTAL OPERATING FORCES</b>	<b>13,074,913</b>	<b>36,699,646</b>
	<b>MOBILIZATION</b>		
240	AIRLIFT OPERATIONS	1,158,142	1,158,142
250	MOBILIZATION PREPAREDNESS	138,672	138,672
	<b>SUBTOTAL MOBILIZATION</b>	<b>1,296,814</b>	<b>1,296,814</b>
	<b>TRAINING AND RECRUITING</b>		
260	OFFICER ACQUISITION	130,835	130,835
270	RECRUIT TRAINING	26,021	26,021
280	RESERVE OFFICERS TRAINING CORPS (ROTC)	121,391	121,391
290	SPECIALIZED SKILL TRAINING	454,539	454,539
300	FLIGHT TRAINING	600,565	600,565
310	PROFESSIONAL DEVELOPMENT EDUCATION	282,788	282,788
320	TRAINING SUPPORT	123,988	123,988
330	RECRUITING AND ADVERTISING	167,731	161,731
	Unjustified growth		[-6,000]
340	EXAMINING	4,576	4,576
350	OFF-DUTY AND VOLUNTARY EDUCATION	211,911	211,911

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
360	CIVILIAN EDUCATION AND TRAINING .....	219,021	219,021
370	JUNIOR ROTC .....	62,092	62,092
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>2,405,458</b>	<b>2,399,458</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
380	LOGISTICS OPERATIONS .....	664,926	664,926
390	TECHNICAL SUPPORT ACTIVITIES .....	101,483	101,483
400	ADMINISTRATION .....	892,480	892,480
410	SERVICEWIDE COMMUNICATIONS .....	152,532	152,532
420	OTHER SERVICEWIDE ACTIVITIES .....	1,254,089	1,254,089
430	CIVIL AIR PATROL .....	30,070	30,070
460	INTERNATIONAL SUPPORT .....	136,110	136,110
9999	CLASSIFIED PROGRAMS .....	1,269,624	1,269,624
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>4,501,314</b>	<b>4,501,314</b>
	<b>OPERATION &amp; MAINTENANCE, SPACE FORCE OPERATING FORCES</b>		
010	BASE SUPPORT .....	72,436	72,436
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>72,436</b>	<b>72,436</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, SPACE FORCE .....</b>	<b>72,436</b>	<b>72,436</b>
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	3,000
	Cyber operations-peculiar capability development projects .....		[3,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>3,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE .....</b>	<b>21,278,499</b>	<b>44,900,232</b>
	<b>OPERATION &amp; MAINTENANCE, AF RESERVE OPERATING FORCES</b>		
010	PRIMARY COMBAT FORCES .....	1,781,413	1,781,413
020	MISSION SUPPORT OPERATIONS .....	209,650	209,650
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE .....	0	494,235
	Transfer back to base funding .....		[494,235]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	128,746	128,746
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT .....	0	256,512
	Transfer back to base funding .....		[256,512]
060	BASE SUPPORT .....	0	414,626
	Transfer back to base funding .....		[414,626]
070	CYBERSPACE ACTIVITIES .....	1,673	1,673
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>2,121,482</b>	<b>3,286,855</b>
	<b>ADMINISTRATION AND SERVICEWIDE ACTIVITIES</b>		
080	ADMINISTRATION .....	69,436	69,436
090	RECRUITING AND ADVERTISING .....	22,124	22,124
100	MILITARY MANPOWER AND PERS MGMT (ARPC) .....	10,946	10,946
110	OTHER PERS SUPPORT (DISABILITY COMP) .....	7,009	7,009
120	AUDIOVISUAL .....	448	448
	<b>SUBTOTAL ADMINISTRATION AND SERVICEWIDE ACTIVITIES .....</b>	<b>109,963</b>	<b>109,963</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE .....</b>	<b>2,231,445</b>	<b>3,396,818</b>
	<b>OPERATION &amp; MAINTENANCE, ANG OPERATING FORCES</b>		
010	AIRCRAFT OPERATIONS .....	2,497,967	2,497,967
020	MISSION SUPPORT OPERATIONS .....	600,377	600,377
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE .....	0	879,467
	Transfer back to base funding .....		[879,467]
040	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	400,734	400,734
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT .....	0	1,299,089
	Transfer back to base funding .....		[1,299,089]
060	BASE SUPPORT .....	0	911,775
	Transfer back to base funding .....		[911,775]
070	CYBERSPACE SUSTAINMENT .....	0	24,742
	Transfer back to base funding .....		[24,742]
080	CYBERSPACE ACTIVITIES .....	25,507	25,507
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>3,524,585</b>	<b>6,639,658</b>
	<b>ADMINISTRATION AND SERVICE-WIDE ACTIVITIES</b>		
090	ADMINISTRATION .....	47,215	47,215
100	RECRUITING AND ADVERTISING .....	40,356	40,356
	<b>SUBTOTAL ADMINISTRATION AND SERVICE-WIDE ACTIVITIES .....</b>	<b>87,571</b>	<b>87,571</b>



SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b>	<b>3,612,156</b>	<b>6,727,229</b>
	<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>		
	<b>OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF	409,542	409,542
020	JOINT CHIEFS OF STAFF—CE2T2	579,179	579,179
030	JOINT CHIEFS OF STAFF—CYBER	24,598	24,598
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES	1,075,762	1,075,762
050	SPECIAL OPERATIONS COMMAND CYBERSPACE ACTIVITIES	14,409	14,409
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE	501,747	501,747
070	SPECIAL OPERATIONS COMMAND MAINTENANCE	559,300	559,300
080	SPECIAL OPERATIONS COMMAND MANAGEMENT/OPERATIONAL HEADQUARTERS	177,928	177,928
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT	925,262	925,262
100	SPECIAL OPERATIONS COMMAND THEATER FORCES	2,764,738	2,764,738
	<b>SUBTOTAL OPERATING FORCES</b>	<b>7,032,465</b>	<b>7,032,465</b>
	<b>TRAINING AND RECRUITING</b>		
120	DEFENSE ACQUISITION UNIVERSITY	180,250	180,250
130	JOINT CHIEFS OF STAFF	100,610	100,610
140	PROFESSIONAL DEVELOPMENT EDUCATION	33,967	33,967
	<b>SUBTOTAL TRAINING AND RECRUITING</b>	<b>314,827</b>	<b>314,827</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
160	CIVIL MILITARY PROGRAMS	165,707	195,007
	IRT Increase		[14,300]
	Starbase		[15,000]
180	DEFENSE CONTRACT AUDIT AGENCY	627,467	627,467
190	DEFENSE CONTRACT AUDIT AGENCY—CYBER	3,362	3,362
200	DEFENSE CONTRACT MANAGEMENT AGENCY	1,438,068	1,438,068
210	DEFENSE CONTRACT MANAGEMENT AGENCY—CYBER	24,391	24,391
220	DEFENSE HUMAN RESOURCES ACTIVITY	892,438	892,438
230	DEFENSE INFORMATION SYSTEMS AGENCY	2,012,885	2,007,885
	MilCloud		[–5,000]
240	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER	601,223	636,360
	Sharkseer transfer		[35,137]
270	DEFENSE LEGAL SERVICES AGENCY	34,632	34,632
280	DEFENSE LOGISTICS AGENCY	415,699	415,699
290	DEFENSE MEDIA ACTIVITY	202,792	202,792
300	DEFENSE PERSONNEL ACCOUNTING AGENCY	144,881	144,881
310	DEFENSE SECURITY COOPERATION AGENCY	696,884	696,884
	Assessment, monitoring, and evaluation		[11,000]
	Security cooperation account		[–11,000]
320	DEFENSE SECURITY SERVICE	889,664	899,664
	Consolidated Adjudication Facility		[10,000]
340	DEFENSE SECURITY SERVICE—CYBER	9,220	9,220
360	DEFENSE TECHNICAL INFORMATION CENTER	3,000	3,000
370	DEFENSE TECHNOLOGY SECURITY ADMINISTRATION	35,626	35,626
380	DEFENSE THREAT REDUCTION AGENCY	568,133	568,133
400	DEFENSE THREAT REDUCTION AGENCY—CYBER	13,339	13,339
410	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY	2,932,226	2,982,226
	Impact aid for children with severe disabilities		[10,000]
	Impact aid for schools with military dependent students		[40,000]
420	MISSILE DEFENSE AGENCY	522,529	422,729
	THAAD program transfer to Army		[–99,800]
450	OFFICE OF ECONOMIC ADJUSTMENT	59,513	59,513
460	OFFICE OF THE SECRETARY OF DEFENSE	1,604,738	1,678,738
	Bien Hoa dioxin cleanup		[15,000]
	CDC study		[10,000]
	Emerging contaminants		[1,000]
	Industrial policy implementation of EO13806		[15,000]
	Interstate compacts for licensure and credentialing		[4,000]
	National Commission on Military Aviation Safety		[3,000]
	National Commission on Military, National, and Public Service		[1,000]
	Readiness and Environmental Protection Integration		[25,000]
470	OFFICE OF THE SECRETARY OF DEFENSE—CYBER	48,783	48,783
480	SPACE DEVELOPMENT AGENCY	44,750	44,750
500	WASHINGTON HEADQUARTERS SERVICES	324,001	329,001
	Defense Digital Service Hires		[5,000]
9999	CLASSIFIED PROGRAMS	15,736,098	15,781,461
	Sharkseer transfer		[–35,137]
	Transfer back to base funding		[80,500]
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b>	<b>30,052,049</b>	<b>30,196,049</b>
	<b>TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE</b>	<b>37,399,341</b>	<b>37,543,341</b>

SEC. 4301. OPERATION AND MAINTENANCE  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	<b>MISCELLANEOUS APPROPRIATIONS</b>		
	<b>US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE</b>		
010	US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....	14,771	14,771
	<b>SUBTOTAL US COURT OF APPEALS FOR THE ARMED FORCES, DEFENSE .....</b>	<b>14,771</b>	<b>14,771</b>
	<b>OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID</b>		
010	OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....	108,600	108,600
	<b>SUBTOTAL OVERSEAS HUMANITARIAN, DISASTER AND CIVIC AID .....</b>	<b>108,600</b>	<b>108,600</b>
	<b>COOPERATIVE THREAT REDUCTION</b>		
010	COOPERATIVE THREAT REDUCTION .....	338,700	338,700
	<b>SUBTOTAL COOPERATIVE THREAT REDUCTION .....</b>	<b>338,700</b>	<b>338,700</b>
	<b>ACQ WORKFORCE DEV FD</b>		
010	ACQ WORKFORCE DEV FD .....	400,000	400,000
	<b>SUBTOTAL ACQ WORKFORCE DEV FD .....</b>	<b>400,000</b>	<b>400,000</b>
	<b>ENVIRONMENTAL RESTORATION, ARMY</b>		
050	ENVIRONMENTAL RESTORATION, ARMY .....	207,518	207,518
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, ARMY .....</b>	<b>207,518</b>	<b>207,518</b>
	<b>ENVIRONMENTAL RESTORATION, NAVY</b>		
060	ENVIRONMENTAL RESTORATION, NAVY .....	335,932	335,932
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, NAVY .....</b>	<b>335,932</b>	<b>335,932</b>
	<b>ENVIRONMENTAL RESTORATION, AIR FORCE</b>		
070	ENVIRONMENTAL RESTORATION, AIR FORCE .....	302,744	302,744
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, AIR FORCE .....</b>	<b>302,744</b>	<b>302,744</b>
	<b>ENVIRONMENTAL RESTORATION, DEFENSE</b>		
080	ENVIRONMENTAL RESTORATION, DEFENSE .....	9,105	9,105
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION, DEFENSE .....</b>	<b>9,105</b>	<b>9,105</b>
	<b>ENVIRONMENTAL RESTORATION FORMERLY USED SITES</b>		
090	ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....	216,499	216,499
	<b>SUBTOTAL ENVIRONMENTAL RESTORATION FORMERLY USED SITES .....</b>	<b>216,499</b>	<b>216,499</b>
	<b>TOTAL MISCELLANEOUS APPROPRIATIONS .....</b>	<b>1,933,869</b>	<b>1,933,869</b>
	<b>UNDISTRIBUTED</b>		
999	UNDISTRIBUTED .....	0	–590,000
	Foreign currency fluctuation fund reduction .....		[–607,000]
	JROTC .....		[25,000]
	Printing inefficiencies .....		[–8,000]
	<b>SUBTOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>–590,000</b>
	<b>TOTAL UNDISTRIBUTED .....</b>	<b>0</b>	<b>–590,000</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE .....</b>	<b>123,944,614</b>	<b>205,396,660</b>

SEC. 4302. OPERATION AND MAINTENANCE FOR  
OVERSEAS CONTINGENCY OPER-  
ATIONS.SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	<b>OPERATION &amp; MAINTENANCE, ARMY</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	3,146,796	1,410,874
	Transfer back to base funding .....		[–1,735,922]
020	MODULAR SUPPORT BRIGADES .....	127,815	0
	Transfer back to base funding .....		[–127,815]
030	ECHELONS ABOVE BRIGADE .....	742,858	26,502
	Transfer back to base funding .....		[–716,356]
040	THEATER LEVEL ASSETS .....	3,165,381	2,274,490
	Transfer back to base funding .....		[–890,891]
050	LAND FORCES OPERATIONS SUPPORT .....	1,368,765	136,288
	Transfer back to base funding .....		[–1,232,477]
060	AVIATION ASSETS .....	1,655,846	300,240

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	Transfer back to base funding .....		[-1,355,606]
070	FORCE READINESS OPERATIONS SUPPORT .....	6,889,293	3,415,009
	Transfer back to base funding .....		[-3,474,284]
080	LAND FORCES SYSTEMS READINESS .....	29,985	29,985
090	LAND FORCES DEPOT MAINTENANCE .....	1,720,258	86,931
	Transfer back to base funding .....		[-1,633,327]
100	BASE OPERATIONS SUPPORT .....	8,163,639	115,706
	Transfer back to base funding .....		[-8,047,933]
110	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	72,657	72,657
130	ADDITIONAL ACTIVITIES .....	6,397,586	6,397,586
140	COMMANDER'S EMERGENCY RESPONSE PROGRAM .....	5,000	5,000
150	RESET .....	1,048,896	1,048,896
160	US AFRICA COMMAND .....	203,174	203,174
170	US EUROPEAN COMMAND .....	173,676	173,676
200	CYBERSPACE ACTIVITIES—CYBERSPACE OPERATIONS .....	188,529	188,529
210	CYBERSPACE ACTIVITIES—CYBERSECURITY .....	5,682	5,682
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>35,105,836</b>	<b>15,891,225</b>
	<b>MOBILIZATION</b>		
230	ARMY PREPOSITIONED STOCKS .....	131,954	131,954
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>131,954</b>	<b>131,954</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
390	SERVICEWIDE TRANSPORTATION .....	721,014	721,014
400	CENTRAL SUPPLY ACTIVITIES .....	66,845	66,845
410	LOGISTIC SUPPORT ACTIVITIES .....	9,309	9,309
420	AMMUNITION MANAGEMENT .....	23,653	23,653
460	OTHER PERSONNEL SUPPORT .....	109,019	109,019
490	REAL ESTATE MANAGEMENT .....	251,355	251,355
9999	CLASSIFIED PROGRAMS .....	1,568,564	1,568,564
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>2,749,759</b>	<b>2,749,759</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY</b> .....	<b>37,987,549</b>	<b>18,772,938</b>
	<b>OPERATION &amp; MAINTENANCE, ARMY RES</b>		
	<b>OPERATING FORCES</b>		
010	MODULAR SUPPORT BRIGADES .....	11,927	0
	Transfer back to base funding .....		[-11,927]
020	ECHELONS ABOVE BRIGADE .....	553,455	20,440
	Transfer back to base funding .....		[-533,015]
030	THEATER LEVEL ASSETS .....	119,517	0
	Transfer back to base funding .....		[-119,517]
040	LAND FORCES OPERATIONS SUPPORT .....	550,468	0
	Transfer back to base funding .....		[-550,468]
050	AVIATION ASSETS .....	86,670	0
	Transfer back to base funding .....		[-86,670]
060	FORCE READINESS OPERATIONS SUPPORT .....	689	689
080	LAND FORCES DEPOT MAINTENANCE .....	48,503	0
	Transfer back to base funding .....		[-48,503]
090	BASE OPERATIONS SUPPORT .....	615,370	16,463
	Transfer back to base funding .....		[-598,907]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,986,599</b>	<b>37,592</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARMY RES</b> .....	<b>1,986,599</b>	<b>37,592</b>
	<b>OPERATION &amp; MAINTENANCE, ARNG</b>		
	<b>OPERATING FORCES</b>		
010	MANEUVER UNITS .....	851,567	45,896
	Transfer back to base funding .....		[-805,671]
020	MODULAR SUPPORT BRIGADES .....	195,514	180
	Transfer back to base funding .....		[-195,334]
030	ECHELONS ABOVE BRIGADE .....	774,030	2,982
	Transfer back to base funding .....		[-771,048]
040	THEATER LEVEL ASSETS .....	95,274	548
	Transfer back to base funding .....		[-94,726]
050	LAND FORCES OPERATIONS SUPPORT .....	33,696	0
	Transfer back to base funding .....		[-33,696]
060	AVIATION ASSETS .....	991,048	9,229
	Transfer back to base funding .....		[-981,819]
070	FORCE READINESS OPERATIONS SUPPORT .....	1,584	1,584
090	LAND FORCES DEPOT MAINTENANCE .....	258,278	0
	Transfer back to base funding .....		[-258,278]
100	BASE OPERATIONS SUPPORT .....	1,175,139	22,063
	Transfer back to base funding .....		[-1,153,076]

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
120	MANAGEMENT AND OPERATIONAL HEADQUARTERS .....	606	606
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>4,376,736</b>	<b>83,088</b>
	<b>ADMIN &amp; SRVWD ACTIVITIES</b>		
170	SERVICEWIDE COMMUNICATIONS .....	203	203
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>203</b>	<b>203</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ARNG</b> .....	<b>4,376,939</b>	<b>83,291</b>
	<b>AFGHANISTAN SECURITY FORCES FUND</b>		
	<b>AFGHAN NATIONAL ARMY</b>		
090	SUSTAINMENT .....	1,313,047	1,313,047
100	INFRASTRUCTURE .....	37,152	37,152
110	EQUIPMENT AND TRANSPORTATION .....	120,868	120,868
120	TRAINING AND OPERATIONS .....	118,591	118,591
	<b>SUBTOTAL AFGHAN NATIONAL ARMY</b> .....	<b>1,589,658</b>	<b>1,589,658</b>
	<b>AFGHAN NATIONAL POLICE</b>		
130	SUSTAINMENT .....	422,806	422,806
140	INFRASTRUCTURE .....	2,358	2,358
150	EQUIPMENT AND TRANSPORTATION .....	127,081	127,081
160	TRAINING AND OPERATIONS .....	108,112	108,112
	<b>SUBTOTAL AFGHAN NATIONAL POLICE</b> .....	<b>660,357</b>	<b>660,357</b>
	<b>AFGHAN AIR FORCE</b>		
170	SUSTAINMENT .....	893,829	893,829
180	INFRASTRUCTURE .....	8,611	8,611
190	EQUIPMENT AND TRANSPORTATION .....	566,967	566,967
200	TRAINING AND OPERATIONS .....	356,108	356,108
	<b>SUBTOTAL AFGHAN AIR FORCE</b> .....	<b>1,825,515</b>	<b>1,825,515</b>
	<b>AFGHAN SPECIAL SECURITY FORCES</b>		
210	SUSTAINMENT .....	437,909	437,909
220	INFRASTRUCTURE .....	21,131	21,131
230	EQUIPMENT AND TRANSPORTATION .....	153,806	153,806
240	TRAINING AND OPERATIONS .....	115,602	115,602
	<b>SUBTOTAL AFGHAN SPECIAL SECURITY FORCES</b> .....	<b>728,448</b>	<b>728,448</b>
	<b>TOTAL AFGHANISTAN SECURITY FORCES FUND</b> .....	<b>4,803,978</b>	<b>4,803,978</b>
	<b>OPERATION &amp; MAINTENANCE, NAVY</b>		
	<b>OPERATING FORCES</b>		
010	MISSION AND OTHER FLIGHT OPERATIONS .....	5,682,156	2,804,356
	Transfer back to base funding .....		[-2,877,800]
030	AVIATION TECHNICAL DATA & ENGINEERING SERVICES .....	60,115	816
	Transfer back to base funding .....		[-59,299]
040	AIR OPERATIONS AND SAFETY SUPPORT .....	9,582	9,582
050	AIR SYSTEMS SUPPORT .....	197,262	197,262
060	AIRCRAFT DEPOT MAINTENANCE .....	1,322,427	168,246
	Transfer back to base funding .....		[-1,154,181]
070	AIRCRAFT DEPOT OPERATIONS SUPPORT .....	3,594	3,594
080	AVIATION LOGISTICS .....	10,618	10,618
090	MISSION AND OTHER SHIP OPERATIONS .....	5,582,370	1,485,108
	Transfer back to base funding .....		[-4,097,262]
100	SHIP OPERATIONS SUPPORT & TRAINING .....	20,334	20,334
110	SHIP DEPOT MAINTENANCE .....	10,426,913	2,365,615
	Transfer back to base funding .....		[-8,061,298]
120	SHIP DEPOT OPERATIONS SUPPORT .....	2,073,641	0
	Transfer back to base funding .....		[-2,073,641]
130	COMBAT COMMUNICATIONS AND ELECTRONIC WARFARE .....	58,092	58,092
140	SPACE SYSTEMS AND SURVEILLANCE .....	18,000	18,000
150	WARFARE TACTICS .....	16,984	16,984
160	OPERATIONAL METEOROLOGY AND OCEANOGRAPHY .....	29,382	29,382
170	COMBAT SUPPORT FORCES .....	608,870	608,870
180	EQUIPMENT MAINTENANCE AND DEPOT OPERATIONS SUPPORT .....	7,799	7,799
200	COMBATANT COMMANDERS DIRECT MISSION SUPPORT .....	24,800	24,800
220	CYBERSPACE ACTIVITIES .....	363	363
240	WEAPONS MAINTENANCE .....	486,188	486,188
250	OTHER WEAPON SYSTEMS SUPPORT .....	12,189	12,189
270	SUSTAINMENT, RESTORATION AND MODERNIZATION .....	68,667	68,667
280	BASE OPERATING SUPPORT .....	4,634,042	219,099
	Transfer back to base funding .....		[-4,414,943]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>31,354,388</b>	<b>8,615,964</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
<b>MOBILIZATION</b>			
320	EXPEDITIONARY HEALTH SERVICES SYSTEMS .....	17,580	17,580
330	COAST GUARD SUPPORT .....	190,000	190,000
	<b>SUBTOTAL MOBILIZATION .....</b>	<b>207,580</b>	<b>207,580</b>
<b>TRAINING AND RECRUITING</b>			
370	SPECIALIZED SKILL TRAINING .....	52,161	52,161
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>52,161</b>	<b>52,161</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
440	ADMINISTRATION .....	8,475	8,475
460	MILITARY MANPOWER AND PERSONNEL MANAGEMENT .....	7,653	7,653
490	SERVICEWIDE TRANSPORTATION .....	70,683	70,683
520	ACQUISITION, LOGISTICS, AND OVERSIGHT .....	11,130	11,130
530	INVESTIGATIVE AND SECURITY SERVICES .....	1,559	1,559
9999	CLASSIFIED PROGRAMS .....	21,054	17,754
	Transfer back to base funding .....		[-3,300]
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>120,554</b>	<b>117,254</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY .....</b>	<b>31,734,683</b>	<b>8,992,959</b>
<b>OPERATION &amp; MAINTENANCE, MARINE CORPS</b>			
<b>OPERATING FORCES</b>			
010	OPERATIONAL FORCES .....	1,682,877	714,653
	Transfer back to base funding .....		[-968,224]
020	FIELD LOGISTICS .....	232,508	232,508
030	DEPOT MAINTENANCE .....	287,092	54,101
	Transfer back to base funding .....		[-232,991]
040	MARITIME PREPOSITIONING .....	100,396	0
	Transfer back to base funding .....		[-100,396]
050	CYBERSPACE ACTIVITIES .....	2,000	2,000
060	SUSTAINMENT, RESTORATION & MODERNIZATION .....	443,292	340,000
	Disaster recovery increase .....		[340,000]
	Transfer back to base funding .....		[-443,292]
070	BASE OPERATING SUPPORT .....	2,278,346	24,570
	Transfer back to base funding .....		[-2,253,776]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>5,026,511</b>	<b>1,367,832</b>
<b>TRAINING AND RECRUITING</b>			
120	TRAINING SUPPORT .....	30,459	30,459
	<b>SUBTOTAL TRAINING AND RECRUITING .....</b>	<b>30,459</b>	<b>30,459</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
160	SERVICEWIDE TRANSPORTATION .....	61,400	61,400
9999	CLASSIFIED PROGRAMS .....	5,100	5,100
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES .....</b>	<b>66,500</b>	<b>66,500</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MARINE CORPS .....</b>	<b>5,123,470</b>	<b>1,464,791</b>
<b>OPERATION &amp; MAINTENANCE, NAVY RES</b>			
<b>OPERATING FORCES</b>			
010	MISSION AND OTHER FLIGHT OPERATIONS .....	654,220	0
	Transfer back to base funding .....		[-654,220]
020	INTERMEDIATE MAINTENANCE .....	510	510
030	AIRCRAFT DEPOT MAINTENANCE .....	119,864	11,628
	Transfer back to base funding .....		[-108,236]
080	COMBAT SUPPORT FORCES .....	10,898	10,898
120	BASE OPERATING SUPPORT .....	101,376	0
	Transfer back to base funding .....		[-101,376]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>886,868</b>	<b>23,036</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, NAVY RES .....</b>	<b>886,868</b>	<b>23,036</b>
<b>OPERATION &amp; MAINTENANCE, MC RESERVE</b>			
<b>OPERATING FORCES</b>			
010	OPERATING FORCES .....	114,111	7,627
	Transfer back to base funding .....		[-106,484]
020	DEPOT MAINTENANCE .....	18,429	0
	Transfer back to base funding .....		[-18,429]
040	BASE OPERATING SUPPORT .....	107,153	1,080
	Transfer back to base funding .....		[-106,073]
	<b>SUBTOTAL OPERATING FORCES .....</b>	<b>239,693</b>	<b>8,707</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, MC RESERVE .....</b>	<b>239,693</b>	<b>8,707</b>

**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
<b>OPERATION &amp; MAINTENANCE, AIR FORCE</b>			
<b>OPERATING FORCES</b>			
010	PRIMARY COMBAT FORCES .....	163,632	163,632
020	COMBAT ENHANCEMENT FORCES .....	1,049,170	1,049,170
030	AIR OPERATIONS TRAINING (OJT, MAINTAIN SKILLS) .....	111,808	111,808
040	DEPOT PURCHASE EQUIPMENT MAINTENANCE .....	3,743,491	408,699
	Transfer back to base funding .....		[-3,334,792]
050	FACILITIES SUSTAINMENT, RESTORATION & MODERNIZATION .....	613,875	487,264
	Disaster recovery increase .....		[340,000]
	Transfer back to base funding .....		[-466,611]
060	CYBERSPACE SUSTAINMENT .....	238,872	10,061
	Transfer back to base funding .....		[-228,811]
070	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT .....	9,282,958	953,594
	Transfer back to base funding .....		[-8,329,364]
080	FLYING HOUR PROGRAM .....	6,544,039	2,495,266
	Transfer back to base funding .....		[-4,048,773]
090	BASE SUPPORT .....	8,762,102	1,538,120
	Transfer back to base funding .....		[-7,223,982]
100	GLOBAL C3I AND EARLY WARNING .....	13,863	13,863
110	OTHER COMBAT OPS SPT PROGRAMS .....	272,020	272,020
120	CYBERSPACE ACTIVITIES .....	17,657	17,657
130	TACTICAL INTEL AND OTHER SPECIAL ACTIVITIES .....	36,098	36,098
140	LAUNCH FACILITIES .....	391	391
150	SPACE CONTROL SYSTEMS .....	39,990	39,990
160	US NORTHCOM/NORAD .....	725	725
170	US STRATCOM .....	926	926
180	US CYBERCOM .....	35,189	35,189
190	US CENTCOM .....	163,015	163,015
200	US SOCOM .....	19,000	19,000
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>31,108,821</b>	<b>7,816,488</b>
<b>MOBILIZATION</b>			
240	AIRLIFT OPERATIONS .....	1,271,439	1,271,439
250	MOBILIZATION PREPAREDNESS .....	109,682	109,682
	<b>SUBTOTAL MOBILIZATION</b> .....	<b>1,381,121</b>	<b>1,381,121</b>
<b>TRAINING AND RECRUITING</b>			
260	OFFICER ACQUISITION .....	200	200
270	RECRUIT TRAINING .....	352	352
290	SPECIALIZED SKILL TRAINING .....	26,802	26,802
300	FLIGHT TRAINING .....	844	844
310	PROFESSIONAL DEVELOPMENT EDUCATION .....	1,199	1,199
320	TRAINING SUPPORT .....	1,320	1,320
	<b>SUBTOTAL TRAINING AND RECRUITING</b> .....	<b>30,717</b>	<b>30,717</b>
<b>ADMIN &amp; SRVWD ACTIVITIES</b>			
380	LOGISTICS OPERATIONS .....	164,701	164,701
390	TECHNICAL SUPPORT ACTIVITIES .....	11,608	11,608
400	ADMINISTRATION .....	4,814	4,814
410	SERVICEWIDE COMMUNICATIONS .....	145,204	145,204
420	OTHER SERVICEWIDE ACTIVITIES .....	98,841	98,841
460	INTERNATIONAL SUPPORT .....	29,890	29,890
9999	CLASSIFIED PROGRAMS .....	52,995	52,995
	<b>SUBTOTAL ADMIN &amp; SRVWD ACTIVITIES</b> .....	<b>508,053</b>	<b>508,053</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AIR FORCE</b> .....	<b>33,028,712</b>	<b>9,736,379</b>
<b>OPERATION &amp; MAINTENANCE, AF RESERVE</b>			
<b>OPERATING FORCES</b>			
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE .....	518,423	24,188
	Transfer back to base funding .....		[-494,235]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT .....	256,512	0
	Transfer back to base funding .....		[-256,512]
060	BASE SUPPORT .....	420,196	5,570
	Transfer back to base funding .....		[-414,626]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>1,195,131</b>	<b>29,758</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, AF RESERVE</b> .....	<b>1,195,131</b>	<b>29,758</b>
<b>OPERATION &amp; MAINTENANCE, ANG</b>			
<b>OPERATING FORCES</b>			
020	MISSION SUPPORT OPERATIONS .....	3,666	3,666
030	DEPOT PURCHASE EQUIPMENT MAINTENANCE .....	946,411	66,944



**SEC. 4302. OPERATION AND MAINTENANCE FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Line	Item	FY 2020 Request	Senate Authorized
	Transfer back to base funding .....		[-879,467]
050	CONTRACTOR LOGISTICS SUPPORT AND SYSTEM SUPPORT .....	1,392,709	93,620
	Transfer back to base funding .....		[-1,299,089]
060	BASE SUPPORT .....	924,454	12,679
	Transfer back to base funding .....		[-911,775]
070	CYBERSPACE SUSTAINMENT .....	24,742	0
	Transfer back to base funding .....		[-24,742]
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,291,982</b>	<b>176,909</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE, ANG</b> .....	<b>3,291,982</b>	<b>176,909</b>
	<b>OPERATION AND MAINTENANCE, DEFENSE-WIDE OPERATING FORCES</b>		
010	JOINT CHIEFS OF STAFF .....	21,866	21,866
020	JOINT CHIEFS OF STAFF—CE2T2 .....	6,634	6,634
040	SPECIAL OPERATIONS COMMAND COMBAT DEVELOPMENT ACTIVITIES .....	1,121,580	1,121,580
060	SPECIAL OPERATIONS COMMAND INTELLIGENCE .....	1,328,201	1,328,201
070	SPECIAL OPERATIONS COMMAND MAINTENANCE .....	399,845	399,845
090	SPECIAL OPERATIONS COMMAND OPERATIONAL SUPPORT .....	138,458	138,458
100	SPECIAL OPERATIONS COMMAND THEATER FORCES .....	808,729	808,729
	<b>SUBTOTAL OPERATING FORCES</b> .....	<b>3,825,313</b>	<b>3,825,313</b>
	<b>ADMIN &amp; SRVWIDE ACTIVITIES</b>		
180	DEFENSE CONTRACT AUDIT AGENCY .....	1,810	1,810
200	DEFENSE CONTRACT MANAGEMENT AGENCY .....	21,723	21,723
230	DEFENSE INFORMATION SYSTEMS AGENCY .....	81,133	81,133
240	DEFENSE INFORMATION SYSTEMS AGENCY—CYBER .....	3,455	3,455
270	DEFENSE LEGAL SERVICES AGENCY .....	196,124	196,124
290	DEFENSE MEDIA ACTIVITY .....	14,377	14,377
310	DEFENSE SECURITY COOPERATION AGENCY .....	1,927,217	1,977,217
	Security cooperation account, unjustified growth .....		[-100,000]
	Transfer from CTEF Iraq .....		[100,000]
	Ukraine Security Assistance Initiative .....		[50,000]
380	DEFENSE THREAT REDUCTION AGENCY .....	317,558	317,558
410	DEPARTMENT OF DEFENSE EDUCATION ACTIVITY .....	31,620	31,620
460	OFFICE OF THE SECRETARY OF DEFENSE .....	16,666	16,666
500	WASHINGTON HEADQUARTERS SERVICES .....	6,331	6,331
9999	CLASSIFIED PROGRAMS .....	2,005,285	1,924,785
	Transfer back to base funding .....		[-80,500]
	<b>SUBTOTAL ADMIN &amp; SRVWIDE ACTIVITIES</b> .....	<b>4,623,299</b>	<b>4,592,799</b>
	<b>TOTAL OPERATION AND MAINTENANCE, DEFENSE-WIDE</b> .....	<b>8,448,612</b>	<b>8,418,112</b>
	<b>TOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>133,104,216</b>	<b>52,548,450</b>

**TITLE XLIV—MILITARY PERSONNEL****SEC. 4401. MILITARY PERSONNEL.**

**SEC. 4401. MILITARY PERSONNEL**  
(In Thousands of Dollars)

Item	FY 2020 Request	Senate Authorized
<b>MILITARY PERSONNEL</b>		
<b>MILITARY PERSONNEL APPROPRIATIONS</b>		
MILITARY PERSONNEL APPROPRIATIONS .....	143,476,503	142,557,523
Historical under execution .....		[-918,980]
<b>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS</b> .....	<b>143,476,503</b>	<b>142,557,523</b>
<b>MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS</b>		
MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS .....	7,816,815	7,816,815
<b>SUBTOTAL MEDICARE-ELIGIBLE RETIREE HEALTH FUND CONTRIBUTIONS</b> .....	<b>7,816,815</b>	<b>7,816,815</b>
<b>TOTAL MILITARY PERSONNEL</b> .....	<b>151,293,318</b>	<b>150,374,338</b>

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS  
CONTINGENCY OPERATIONS.**

**SEC. 4402. MILITARY PERSONNEL FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Item	FY 2020 Request	Senate Authorized
<b>MILITARY PERSONNEL</b>		
<b>MILITARY PERSONNEL APPROPRIATIONS</b>		
MILITARY PERSONNEL APPROPRIATIONS .....	4,485,808	4,485,808
<b>SUBTOTAL MILITARY PERSONNEL APPROPRIATIONS</b> .....	<b>4,485,808</b>	<b>4,485,808</b>
<b>TOTAL MILITARY PERSONNEL</b> .....	<b>4,485,808</b>	<b>4,485,808</b>

**TITLE XLV—OTHER AUTHORIZATIONS**  
**SEC. 4501. OTHER AUTHORIZATIONS.**

SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)				SEC. 4501. OTHER AUTHORIZATIONS (In Thousands of Dollars)			
Line	Item	FY 2020 Request	Senate Authorized	Line	Item	FY 2020 Request	Senate Authorized
	<b>WORKING CAPITAL FUND</b>				<b>OFFICE OF THE INSPECTOR GENERAL</b>		
	<b>WORKING CAPITAL FUND, ARMY</b>				<b>OFFICE OF THE INSPECTOR GENERAL</b>		
010	INDUSTRIAL OPERATIONS .....	57,467	57,467	010	OPERATION AND MAINTENANCE .....	359,022	359,022
020	SUPPLY MANAGEMENT—ARMY .....	32,130	32,130	020	OPERATION AND MAINTENANCE—CYBER ...	1,179	1,179
	<b>SUBTOTAL WORKING CAPITAL FUND, ARMY</b> .....	<b>89,597</b>	<b>89,597</b>	030	RD&E .....	2,965	2,965
	<b>WORKING CAPITAL FUND, AIR FORCE</b>			040	PROCUREMENT .....	333	333
020	SUPPLIES AND MATERIALS .....	92,499	102,499		<b>SUBTOTAL OFFICE OF THE INSPECTOR GENERAL</b> .....	<b>363,499</b>	<b>363,499</b>
	Energy optimization initiatives .....		[10,000]		<b>TOTAL OFFICE OF THE INSPECTOR GENERAL</b>	<b>363,499</b>	<b>363,499</b>
	<b>SUBTOTAL WORKING CAPITAL FUND, AIR FORCE</b> .....	<b>92,499</b>	<b>102,499</b>		<b>DEFENSE HEALTH PROGRAM</b>		
	<b>WORKING CAPITAL FUND, DEFENSE-WIDE</b>				<b>OPERATION &amp; MAINTENANCE</b>		
010	SUPPLY CHAIN MANAGEMENT—DEF .....	49,085	49,085	010	IN-HOUSE CARE .....	9,570,615	9,570,615
	<b>SUBTOTAL WORKING CAPITAL FUND, DEFENSE-WIDE</b> .....	<b>49,085</b>	<b>49,085</b>	020	PRIVATE SECTOR CARE .....	15,041,006	15,052,006
	<b>WORKING CAPITAL FUND, DECA</b>				Contraceptive cost-sharing ...		[11,000]
010	WORKING CAPITAL FUND, DECA .....	995,030	995,030	030	CONSOLIDATED HEALTH SUPPORT .....	1,975,536	1,975,536
	<b>SUBTOTAL WORKING CAPITAL FUND, DECA</b> .....	<b>995,030</b>	<b>995,030</b>	040	INFORMATION MANAGEMENT .....	2,004,588	2,004,588
	<b>WCF, DEF COUNTER-INTELLIGENCE &amp; SECURITY AGENCY</b>			050	MANAGEMENT ACTIVITIES .....	333,246	333,246
010	DEFENSE COUNTER-INTELLIGENCE AND SECURITY AGENCY ...	200,000	200,000	060	EDUCATION AND TRAINING .....	793,810	793,810
	<b>SUBTOTAL WCF, DEF COUNTERINTELLIGENCE &amp; SECURITY AGENCY</b> .....	<b>200,000</b>	<b>200,000</b>	070	BASE OPERATIONS/ COMMUNICATIONS ...	2,093,289	2,093,289
	<b>TOTAL WORKING CAPITAL FUND</b> .....	<b>1,426,211</b>	<b>1,436,211</b>		<b>SUBTOTAL OPERATION &amp; MAINTENANCE</b> .....	<b>31,812,090</b>	<b>31,823,090</b>
	<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>				<b>RD&amp;E</b>		
	<b>CHEM AGENTS &amp; MUNITIONS DESTRUCTION</b>			080	R&D RESEARCH .....	12,621	12,621
				090	R&D EXPLORATORY DEVELOPMENT .....	84,266	84,266
				100	R&D ADVANCED DEVELOPMENT .....	279,766	279,766
				110	R&D DEMONSTRATION/ VALIDATION .....	128,055	128,055
				120	R&D ENGINEERING DEVELOPMENT .....	143,527	143,527
				130	R&D MANAGEMENT AND SUPPORT .....	67,219	67,219
				140	R&D CAPABILITIES ENHANCEMENT .....	16,819	16,819
					<b>SUBTOTAL RD&amp;E</b> .....	<b>732,273</b>	<b>732,273</b>
					<b>PROCUREMENT</b>		
				150	PROC INITIAL OUTFITTING .....	26,135	26,135
				160	PROC REPLACEMENT & MODERNIZATION .....	225,774	225,774

SEC. 4601. MILITARY CONSTRUCTION (In Thousands of Dollars)				
Account	State/Country and Installation	Project Title	FY 2020 Request	Senate Authorized

MILITARY CONSTRUCTION					
ARMY					
Army	Alabama				
	Redstone Arsenal	Aircraft and Flight Equipment Building .....	38,000	38,000	
Army	Colorado				
	Fort Carson	Company Operations Facility .....	71,000	71,000	
Army	Georgia				
	Fort Gordon	Cyber Instructional Fac (Admin/Command) .....	107,000	67,000	
Army		Hunter Army Airfield	Aircraft Maintenance Hangar .....	62,000	62,000
	Hawaii				
Army		Fort Shafter	Command and Control Facility, Incr 5 .....	60,000	60,000
	Honduras				
Army		Soto Cano AB	Aircraft Maintenance Hangar .....	34,000	34,000
	Japan				
Army		Kadena Air Base	Vehicle Maintenance Shop .....	0	15,000
	Kentucky				
Army		Fort Campbell	General Purpose Maintenance Shop .....	51,000	51,000
	Army	Fort Campbell	Automated Infantry Platoon Battle Course .....	7,100	7,100
Army		Fort Campbell	Easements .....	3,200	3,200
Army	Massachusetts				
		Soldier Systems Center Natick	Human Engineering Lab .....	50,000	50,000
Army	Michigan				
		Detroit Arsenal	Substation .....	24,000	24,000
Army	New York				
		Fort Drum	Railhead .....	0	21,000
Army		Fort Drum	Unmanned Aerial Vehicle Hangar .....	23,000	23,000
	North Carolina				
Army		Fort Bragg	Dining Facility .....	12,500	12,500
	Oklahoma				
Army		Fort Sill	Adv Individual Training Barracks Cplx, Ph2 .....	73,000	73,000
	Pennsylvania				
Army		Carlisle Barracks	General Instruction Building .....	98,000	98,000
	South Carolina				
Army		Fort Jackson	Reception Complex, Ph2 .....	54,000	54,000
	Texas				
Army		Corpus Christi Army Depot	Powertrain Facility (Machine Shop) .....	86,000	86,000

SEC. 4601. MILITARY CONSTRUCTION  
(In Thousands of Dollars)

Account	State/Country and Installation	Project Title	FY 2020 Request	Senate Authorized
Army	Fort Hood	Vehicle Bridge .....	0	18,500
Army	Fort Hood	Barracks .....	32,000	32,000
	Virginia			
Army	Fort Belvoir	Secure Operations and Admin Facility .....	60,000	60,000
Army	Joint Base Langley-Eustis	Adv Individual Training Barracks Cplx, Ph4 .....	55,000	55,000
	Washington			
Army	Joint Base Lewis-McChord	Information Systems Facility .....	46,000	46,000
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	Unspecified Minor Construction .....	70,600	70,600
Army	Unspecified Worldwide Locations	Host Nation Support .....	31,000	31,000
Army	Unspecified Worldwide Locations	Planning and Design .....	94,099	94,099
Army	Unspecified Worldwide Locations	Unspecified Worldwide Construction .....	211,000	0
<b>SUBTOTAL ARMY</b> .....			<b>1,453,499</b>	<b>1,256,999</b>
<b>NAVY</b>				
	Arizona			
Navy	MCAS Yuma	Bachelor Enlisted Quarters—2+2 Replacement .....	0	99,600
Navy	Yuma	Hangar 95 Renovation & Addition .....	90,160	90,160
	Australia			
Navy	Darwin	Aircraft Parking Apron .....	0	50,000
	Bahrain Island			
Navy	SW Asia	Electrical System Upgrade .....	53,360	53,360
	California			
Navy	Camp Pendleton	I MEF Consolidated Information Center .....	113,869	23,000
Navy	Camp Pendleton	62 Area Mess Hall and Consolidated Warehouse .....	71,700	71,700
Navy	China Lake	Runway & Taxiway Extension .....	64,500	64,500
Navy	Coronado	Aircraft Paint Complex .....	0	79,000
Navy	Coronado	Aircraft Paint Complex .....	79,100	79,100
Navy	Coronado	Navy V-22 Hangar .....	86,830	86,830
Navy	MCAS Miramar	Child Development Center .....	0	37,400
Navy	MCRD San Diego	PMO Facility Replacement .....	0	9,900
Navy	San Diego	Pier 8 Replacement (Inc) .....	59,353	59,353
Navy	Seal Beach	Missile Magazines .....	0	28,000
Navy	Seal Beach	Ammunition Pier .....	95,310	95,310
Navy	Travis AFB	Alert Force Complex .....	64,000	64,000
	Connecticut			
Navy	New London	SSN Berthing Pier 32 .....	72,260	72,260
	District of Columbia			
Navy	Naval Observatory	Master Time Clocks & Operations Fac (Inc) .....	75,600	75,600
	Florida			
Navy	Jacksonville	Targeting & Surveillance Syst Prod Supp Fac .....	32,420	32,420
Navy	MCSF Blount Island	Police Station and EOC Facility Replacement .....	0	18,700
	Guam			
Navy	Joint Region Marianas	Machine Gun Range (Inc) .....	91,287	91,287
Navy	Joint Region Marianas	Bachelor Enlisted Quarters H .....	164,100	20,000
Navy	Joint Region Marianas	EOD Compound Facilities .....	61,900	61,900
	Hawaii			
Navy	Kaneohe Bay	Bachelor Enlisted Quarters .....	134,050	39,000
Navy	West Loch	Magazine Consolidation, Phase 1 .....	53,790	53,790
	Italy			
Navy	Signonella	Communications Station .....	77,400	77,400
	Japan			
Navy	Iwakuni	VTOL Pad—South .....	15,870	15,870
Navy	Yokosuka	Pier 5 (Berths 2 and 3) .....	174,692	110,000
	North Carolina			
Navy	Camp Lejeune	2nd Radio BN Complex, Phase 2 (Inc) .....	25,650	25,650
Navy	Camp Lejeune	ACV-AAV Maintenance Facility Upgrades .....	11,570	11,570
Navy	Camp Lejeune	10th Marines Himars Complex .....	35,110	35,110
Navy	Camp Lejeune	II MEF Operations Center Replacement .....	122,200	122,200
Navy	Camp Lejeune	2nd MARDIV/2nd MLG Ops Center Replacement .....	60,130	60,130
Navy	MCAS Cherry Point	Slocum Road Physical Security Compliance .....	0	52,300
Navy	MCAS Cherry Point	Aircraft Maintenance Hangar (Inc) .....	73,970	73,970
Navy	MCAS Cherry Point	F-35 Training and Simulator Facility .....	53,230	53,230
Navy	MCAS Cherry Point	ATC Tower & Airfield Operations .....	61,340	61,340
Navy	MCAS Cherry Point	Flightline Utility Modernization (Inc) .....	51,860	51,860
Navy	New River	CH-53K Cargo Loading Trainer .....	11,320	11,320
	South Carolina			
Navy	MCRD Parris Island	Range Safety Improvements and Modernization Phase III, Chosin Range .....	0	37,200
	Utah			
Navy	Hill AFB	D5 Missile Motor Receipt/Storage Fac (Inc) .....	50,520	50,520
	Virginia			
Navy	Portsmouth	Dry Dock Flood Protection Improvements .....	48,930	48,930
Navy	Quantico	Wargaming Center .....	143,350	10,000
Navy	Yorktown	Nmc Ordnance Facilities Recapitalization, Phase 1 .....	0	59,000
	Washington			
Navy	Bremerton	Dry Dock 4 & Pier 3 Modernization .....	51,010	51,010
Navy	Keyport	Undersea Vehicle Maintenance Facility .....	25,050	25,050
Navy	Kitsap	Seawolf Service Pier Cost-to-Complete .....	0	48,000
	Worldwide Unspecified			
Navy	Unspecified	Family Housing Mitigation and Oversight .....	0	59,600
Navy	Unspecified	Planning and Design .....	0	20,400
Navy	Unspecified	Planning and Design .....	0	8,000

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Navy	Unspecified Worldwide Locations	Unspecified Minor Construction .....	81,237	81,237
Navy	Unspecified Worldwide Locations	Planning and Design .....	167,715	167,715
<b>SUBTOTAL NAVY .....</b>			<b>2,805,743</b>	<b>2,884,782</b>
<b>AIR FORCE</b>				
Air Force	Alaska			
	Eielson AFB	F-35 AME Storage Facility .....	8,600	8,600
Air Force	Arkansas			
	Little Rock AFB	C-130H/J Fuselage Trainer Facility .....	47,000	47,000
Air Force	Australia			
	Tindal	APR-RAAF Tindal/Bulk Storage Tanks .....	59,000	59,000
Air Force	Tindal	APR-RAAF Tindal/Earth Covered Magazine .....	11,600	11,600
Air Force	California			
	Travis AFB	MMHS Allied Support .....	0	17,000
Air Force	Travis AFB	KC-46A Alter B181/B185/B187 Squad Ops/AMU .....	6,600	6,600
Air Force	Travis AFB	KC-46A Regional Maintenance Training Facility .....	19,500	19,500
Air Force	Colorado			
	Peterson AFB	SOCNORTH Theater Operational Support Facility .....	0	54,000
Air Force	Schriever AFB	Consolidated Space Operations Facility .....	148,000	23,000
Air Force	Cyprus			
	RAF Akrotiri	New Dormitory for 1 ERS .....	27,000	27,000
Air Force	Guam			
	Joint Region Marianas	Munitions Storage Igloos III .....	65,000	65,000
Air Force	Illinois			
	Scott AFB	Joint Operations & Mission Planning Center .....	100,000	90,000
Air Force	Japan			
	Kadena Air Base	Munitions Storage .....	0	7,000
Air Force	Misawa Air Base	Fuel Infrastructure Resiliency .....	0	5,300
Air Force	Yokota AB	Fuel Receipt & Distribution Upgrade .....	12,400	12,400
Air Force	Jordan			
	Azraq	Air Traffic Control Tower .....	24,000	24,000
Air Force	Azraq	Munitions Storage Area .....	42,000	42,000
Air Force	Mariana Islands			
	Tinian	Fuel Tanks W/ Pipeline/Hydrant System .....	109,000	10,000
Air Force	Tinian	Airfield Development Phase 1 .....	109,000	10,000
Air Force	Tinian	Parking Apron .....	98,000	98,000
Air Force	Maryland			
	Joint Base Andrews	Presidential Aircraft Recap Complex Inc 3 .....	86,000	86,000
Air Force	Massachusetts			
	Hanscom AFB	MIT-Lincoln Lab (West Lab CSL/MIF) Inc 2 .....	135,000	65,000
Air Force	Missouri			
	Whiteman AFB	Consolidated Vehicle Ops and MX Facility .....	0	27,000
Air Force	Montana			
	Malmstrom AFB	Weapons Storage and Maintenance Facility .....	235,000	16,000
Air Force	Nevada			
	Nellis AFB	365th ISR Group Facility .....	57,000	57,000
Air Force	Nellis AFB	F-35A Munitions Assembly Conveyor Facility .....	8,200	8,200
Air Force	New Mexico			
	Holloman AFB	NC3 Support Wrm Storage/Shipping Facility .....	0	20,000
Air Force	Kirtland AFB	Combat Rescue Helicopter Simulator (CRH) ADAL .....	15,500	15,500
Air Force	Kirtland AFB	UH-1 Replacement Facility .....	22,400	22,400
Air Force	North Dakota			
	Minot AFB	Helo/TRFOps/AMU Facility .....	5,500	5,500
Air Force	Ohio			
	Wright-Patterson AFB	ADAL Intelligence Prod. Complex (NASIC) Inc 2 .....	120,900	74,000
Air Force	Texas			
	Joint Base San Antonio	BMT Recruit Dormitory 8 .....	110,000	17,000
Air Force	Joint Base San Antonio	Aquatics Tank .....	69,000	69,000
Air Force	Joint Base San Antonio	T-XA DAL Ground Based Trng Sys (GBTS) Sim .....	9,300	9,300
Air Force	Joint Base San Antonio	T-XXM Trng Sys Centralized Trng Fac .....	19,000	19,000
Air Force	United Kingdom			
	Royal Air Force Lakenheath	F-35A PGM Facility .....	14,300	14,300
Air Force	Utah			
	Hill AFB	GBSD Mission Integration Facility .....	108,000	18,000
Air Force	Hill AFB	Joint Advanced Tactical Missile Storage Fac .....	6,500	6,500
Air Force	Washington			
	Fairchild AFB	Consolidated TFI Base Operations .....	31,000	31,000
Air Force	Worldwide Unspecified			
	Unspecified Conus	Military Family Housing Civilian Personnel .....	0	31,200
Air Force	Unspecified Worldwide	Cost to Complete .....	0	190,000
Air Force	Unspecified Worldwide	Planning and Design .....	0	40,000
Air Force	Various Worldwide Locations	Planning and Design .....	142,148	142,148
Air Force	Various Worldwide Locations	Unspecified Minor Construction .....	79,682	79,682
Air Force	Wyoming			
	F. E. Warren AFB	Consolidated Helo/TRF Ops/AMU and Alert Fac .....	18,100	18,100
<b>SUBTOTAL AIR FORCE .....</b>			<b>2,179,230</b>	<b>1,718,830</b>
<b>DEFENSE-WIDE</b>				
Defense-Wide	California			
	Beale AFB	Hydrant Fuel System Replacement .....	33,700	33,700
Defense-Wide	Camp Pendleton	Ambul Care Center/Dental Clinic Replacement .....	17,700	17,700

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Defense-Wide	Mountain View—63 RSC	Install Microgrid Controller, 750 Kw PV, and 750 Kwh Battery Storage .....	0	9,700
Defense-Wide	NAWS China Lake	Energy Storage System .....	0	8,950
Defense-Wide	NSA Monterey	Cogeneration Plant at B236 .....	0	10,540
	Conus Classified			
Defense-Wide	Classified Location	Battalion Complex, Ph 3 .....	82,200	82,200
	Florida			
Defense-Wide	Eglin AFB	SOF Combined Squadron Ops Facility .....	16,500	16,500
Defense-Wide	Hurlburt Field	SOF Maintenance Training Facility .....	18,950	18,950
Defense-Wide	Hurlburt Field	SOF AMU & Weapons Hangar .....	72,923	72,923
Defense-Wide	Hurlburt Field	SOF Combined Squadron Operations Facility .....	16,513	16,513
Defense-Wide	Key West	SOF Watercraft Maintenance Facility .....	16,000	16,000
	Germany			
Defense-Wide	Geilenkirchen AB	Ambulatory Care Center/Dental Clinic .....	30,479	30,479
Defense-Wide	Ramstein	Landstuhl Elementary School .....	0	66,800
	Guam			
Defense-Wide	Joint Region Marianas	Xray Wharf Refueling Facility .....	19,200	19,200
Defense-Wide	NB Guam	NSA Andersen Smart Grid and ICS Infrastructure .....	0	16,970
	Hawaii			
Defense-Wide	Joint Base Pearl Harbor-hickam (JBPHH)	Install 500kw Covered Parking PV System & Electric Vehicle Charging Stations B479 .....	0	4,000
Defense-Wide	Joint Base Pearl Harbor-Hickam	SOF Undersea Operational Training Facility .....	67,700	67,700
	Japan			
Defense-Wide	Yokosuka	Kinnick High School Inc 2 .....	130,386	10,000
Defense-Wide	Yokota AB	Pacific East District Superintendent's Office .....	20,106	20,106
Defense-Wide	Yokota AB	Bulk Storage Tanks PH1 .....	116,305	21,000
	Louisiana			
Defense-Wide	JRB NAS New Orleans	Distribution Switchgear .....	0	5,340
	Maryland			
Defense-Wide	Bethesda Naval Hospital	MEDCEN Addition/Altertion Incr 3 .....	96,900	96,900
Defense-Wide	Fort Detrick	Medical Research Acquisition Building .....	27,846	27,846
Defense-Wide	Fort Meade	NSAW Recapitalize Building #3 Inc 2 .....	426,000	426,000
Defense-Wide	NSA Bethesda	Chiller 3-9 Replacement .....	0	13,840
Defense-Wide	South Potomac	IH Water Project—CBIRF/IHEODTD/Housing .....	0	18,460
	Mississippi			
Defense-Wide	Columbus AFB	Fuel Facilities Replacement .....	16,800	16,800
	Missouri			
Defense-Wide	Fort Leonard Wood	Hospital Replacement Incr 2 .....	50,000	50,000
Defense-Wide	St Louis	Next NGA West (N2W) Complex Phase 2 Inc. 2 .....	218,800	153,000
	New Mexico			
Defense-Wide	White Sands Missile Range	Install Microgrid, 700kw PV, 150 Kw Generator, and Batteries .....	0	5,800
	North Carolina			
Defense-Wide	Camp Lejeune	SOF Marine Raider Regiment HQ .....	13,400	13,400
Defense-Wide	Fort Bragg	SOF Human Platform-Force Generation Facility .....	43,000	43,000
Defense-Wide	Fort Bragg	SOF Assessment and Selection Training Complex .....	12,103	12,103
Defense-Wide	Fort Bragg	SOF Operations Support Bldg .....	29,000	29,000
	Oklahoma			
Defense-Wide	Tulsa IAP	Fuels Storage Complex .....	18,900	18,900
	Rhode Island			
Defense-Wide	Quonset State Airport	Fuels Storage Complex Replacement .....	11,600	11,600
	South Carolina			
Defense-Wide	Joint Base Charleston	Medical Consolidated Storage & Distrib Center .....	33,300	33,300
	South Dakota			
Defense-Wide	Ellsworth AFB	Hydrant Fuel System Replacement .....	24,800	24,800
	Texas			
Defense-Wide	Camp Swift	Install Microgrid, 650 Kw PV, & 500 Kw Generator .....	0	4,500
Defense-Wide	Fort Hood	Install a Central Energy Plant .....	0	16,500
	Virginia			
Defense-Wide	Dam Neck	SOF Demolition Training Compound Expansion .....	12,770	12,770
Defense-Wide	Def Distribution Depot Richmond	Operations Center Phase 2 .....	98,800	98,800
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG-10 Operations Support Facility .....	32,600	32,600
Defense-Wide	Joint Expeditionary Base Little Creek—Story	SOF NSWG2 JSOTF Ops Training Facility .....	13,004	13,004
Defense-Wide	NRO Headquarters	Irrigation System Upgrade .....	0	66
Defense-Wide	Pentagon	Backup Generator .....	8,670	8,670
Defense-Wide	Pentagon	Control Tower & Fire Day Station .....	20,132	20,132
	Washington			
Defense-Wide	Joint Base Lewis-McChord	SOF 22 STS Operations Facility .....	47,700	47,700
Defense-Wide	Naval Base Kitsap	Keyport Main Substation Replacement .....	0	23,670
	Wisconsin			
Defense-Wide	Gen Mitchell IAP	POL Facilities Replacement .....	25,900	25,900
	Worldwide Classified			
Defense-Wide	Classified Location	Mission Support Compound .....	52,000	52,000
	Worldwide Unspecified			
Defense-Wide	Unspecified Worldwide	Defense Community Infrastructure Program .....	0	100,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	4,950	4,950
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	8,000	8,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design .....	29,679	29,679
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	10,000	10,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design .....	35,472	35,472
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	31,464	31,464
Defense-Wide	Unspecified Worldwide Locations	Energy Resilience and Conserv. Invest. Prog. ....	150,000	150,000
Defense-Wide	Unspecified Worldwide Locations	Contingency Construction .....	10,000	10,000
Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,000	3,000
Defense-Wide	Unspecified Worldwide Locations	Planning and Design .....	14,400	14,400
Defense-Wide	Unspecified Worldwide Locations	ERCIP Design .....	10,000	10,000

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Defense-Wide	Unspecified Worldwide Locations	Unspecified Minor Construction .....	3,228	3,228
Defense-Wide	Unspecified Worldwide Locations	Planning and Design .....	15,000	15,000
Defense-Wide	Unspecified Worldwide Locations	Exercise Related Minor Construction .....	11,770	11,770
Defense-Wide	Unspecified Worldwide Locations	Planning and Design .....	4,890	4,890
Defense-Wide	Various Worldwide Locations	Planning and Design .....	52,532	52,532
Defense-Wide	Various Worldwide Locations	Planning and Design .....	27,000	27,000
Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction .....	16,736	16,736
Defense-Wide	Various Worldwide Locations	Unspecified Minor Construction .....	10,000	10,000
Defense-Wide	Various Worldwide Locations	Planning and Design .....	63,382	63,382
<b>SUBTOTAL DEFENSE-WIDE .....</b>			<b>2,504,190</b>	<b>2,527,835</b>
<b>ARMY NATIONAL GUARD</b>				
	Alabama			
Army National Guard	Anniston	Enlisted Transient Training Barracks .....	0	34,000
Army National Guard	Foley	National Guard Readiness Center .....	12,000	12,000
	California			
Army National Guard	Camp Roberts	Automated Multipurpose Machine Gun Range .....	12,000	12,000
	Idaho			
Army National Guard	Orchard Training Area	Railroad Tracks .....	29,000	29,000
	Maryland			
Army National Guard	Havre de Grace	Combined Support Maintenance Shop .....	12,000	12,000
	Massachusetts			
Army National Guard	Camp Edwards	Automated Multipurpose Machine Gun Range .....	9,700	9,700
	Minnesota			
Army National Guard	New Ulm	National Guard Vehicle Maintenance Shop .....	11,200	11,200
	Mississippi			
Army National Guard	Camp Shelby	Automated Multipurpose Machine Gun Range .....	8,100	8,100
	Missouri			
Army National Guard	Springfield	National Guard Readiness Center .....	12,000	12,000
	Nebraska			
Army National Guard	Bellevue	National Guard Readiness Center .....	29,000	29,000
	New Hampshire			
Army National Guard	Concord	National Guard Readiness Center .....	5,950	5,950
	New York			
Army National Guard	Jamaica Armory	National Guard Readiness Center .....	0	20,000
	Pennsylvania			
Army National Guard	Moon Township	Combined Support Maintenance Shop .....	23,000	23,000
	Vermont			
Army National Guard	Camp Ethan Allen	General Instruction Building (Mountain Warfare School) .....	0	30,000
	Washington			
Army National Guard	Richland	National Guard Readiness Center .....	11,400	11,400
	Worldwide Unspecified			
Army National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction .....	15,000	15,000
Army National Guard	Unspecified Worldwide Locations	Planning and Design .....	20,469	20,469
<b>SUBTOTAL ARMY NATIONAL GUARD .....</b>			<b>210,819</b>	<b>294,819</b>
<b>AIR NATIONAL GUARD</b>				
	California			
Air National Guard	Moffett Air National Guard Base (NASA)	Fuels/Corrosion Control Hangar and Shops .....	0	57,000
	Georgia			
Air National Guard	Savannah/Hilton Head IAP	Consolidated Joint Air Dominance Hangar/Shops .....	24,000	24,000
	Missouri			
Air National Guard	Rosecrans Memorial Airport	C-130 Flight Simulator Facility .....	9,500	9,500
	Puerto Rico			
Air National Guard	Luis Munoz-Marin IAP	Communications Facility .....	12,500	12,500
Air National Guard	Luis Munoz-Marin IAP	Maintenance Hangar .....	37,500	37,500
	Wisconsin			
Air National Guard	Truax Field	F-35 Simulator Facility .....	14,000	14,000
Air National Guard	Truax Field	Fighter Alert Shelters .....	20,000	20,000
	Worldwide Unspecified			
Air National Guard	Unspecified Worldwide Locations	Unspecified Minor Construction .....	31,471	31,471
Air National Guard	Various Worldwide Locations	Planning and Design .....	17,000	17,000
<b>SUBTOTAL AIR NATIONAL GUARD .....</b>			<b>165,971</b>	<b>222,971</b>
<b>ARMY RESERVE</b>				
	Delaware			
Army Reserve	Dover AFB	Army Reserve Center/BMA .....	21,000	21,000
	Wisconsin			
Army Reserve	Fort McCoy	Transient Training Barracks .....	25,000	25,000
	Worldwide Unspecified			
Army Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction .....	8,928	8,928
Army Reserve	Unspecified Worldwide Locations	Planning and Design .....	6,000	6,000
<b>SUBTOTAL ARMY RESERVE .....</b>			<b>60,928</b>	<b>60,928</b>
<b>NAVY RESERVE</b>				
	Louisiana			
Navy Reserve	New Orleans	Entry Control Facility Upgrades .....	25,260	25,260
	Worldwide Unspecified			
Navy Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction .....	24,915	24,915



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Navy Reserve	Unspecified Worldwide Locations	Planning and Design .....	4,780	4,780
<b>SUBTOTAL NAVY RESERVE</b> .....			<b>54,955</b>	<b>54,955</b>
<b>AIR FORCE RESERVE</b>				
Air Force Reserve	Georgia Robins AFB	Consolidated Mission Complex Phase 3 .....	43,000	43,000
Air Force Reserve	Minnesota Minneapolis-St Paul IAP	Aerial Port Facility .....	0	9,800
Air Force Reserve	Worldwide Unspecified	Planning and Design .....	4,604	4,604
Air Force Reserve	Unspecified Worldwide Locations	Unspecified Minor Construction .....	12,146	12,146
<b>SUBTOTAL AIR FORCE RESERVE</b> .....			<b>59,750</b>	<b>69,550</b>
<b>NATO SECURITY INVESTMENT PROGRAM</b>				
NATO Security Investment Program	Worldwide Unspecified NATO Security Investment Program	NATO Security Investment Program .....	144,040	144,040
<b>SUBTOTAL NATO SECURITY INVESTMENT PROGRAM</b> .....			<b>144,040</b>	<b>144,040</b>
<b>TOTAL MILITARY CONSTRUCTION</b> .....			<b>9,639,125</b>	<b>9,235,709</b>
<b>FAMILY HOUSING CONSTRUCTION, ARMY</b>				
Construction, Army	Germany Baumholder	Family Housing Improvements .....	29,983	29,983
Construction, Army	Korea Camp Humphreys	Family Housing New Construction Incr 4 .....	83,167	83,167
Construction, Army	Pennsylvania Tobyhanna Army Depot	Family Housing Replacement Construction .....	19,000	19,000
Construction, Army	Worldwide Unspecified	Family Housing P & D .....	9,222	9,222
<b>SUBTOTAL CONSTRUCTION, ARMY</b> .....			<b>141,372</b>	<b>141,372</b>
<b>O&amp;M, ARMY</b>				
O&M, Army	Worldwide Unspecified	Management .....	38,898	38,898
O&M, Army	Unspecified Worldwide Locations	Services .....	10,156	10,156
O&M, Army	Unspecified Worldwide Locations	Furnishings .....	24,027	24,027
O&M, Army	Unspecified Worldwide Locations	Miscellaneous .....	484	484
O&M, Army	Unspecified Worldwide Locations	Maintenance .....	81,065	81,065
O&M, Army	Unspecified Worldwide Locations	Utilities .....	55,712	55,712
O&M, Army	Unspecified Worldwide Locations	Leasing .....	128,938	128,938
O&M, Army	Unspecified Worldwide Locations	Housing Privatization Support .....	18,627	83,627
<b>SUBTOTAL O&amp;M, ARMY</b> .....			<b>357,907</b>	<b>422,907</b>
<b>CONSTRUCTION, NAVY AND MARINE CORPS</b>				
Construction, Navy and Marine Corps	Worldwide Unspecified Unspecified Worldwide Locations	USMC DPRI/GUAM PLANNING AND DESIGN .....	2,000	2,000
Construction, Navy and Marine Corps	Unspecified Worldwide Locations	Construction Improvements .....	41,798	41,798
Construction, Navy and Marine Corps	Unspecified Worldwide Locations	Planning & Design .....	3,863	3,863
<b>SUBTOTAL CONSTRUCTION, NAVY AND MARINE CORPS</b> .....			<b>47,661</b>	<b>47,661</b>
<b>O&amp;M, NAVY AND MARINE CORPS</b>				
O&M, Navy and Marine Corps	Worldwide Unspecified Unspecified Worldwide Locations	Utilities .....	63,229	63,229
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Furnishings .....	19,009	19,009
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Management .....	50,122	50,122
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Miscellaneous .....	151	151
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Services .....	16,647	16,647
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Leasing .....	64,126	64,126
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Maintenance .....	82,611	82,611
O&M, Navy and Marine Corps	Unspecified Worldwide Locations	Housing Privatization Support .....	21,975	102,975
<b>SUBTOTAL O&amp;M, NAVY AND MARINE CORPS</b> .....			<b>317,870</b>	<b>398,870</b>
<b>CONSTRUCTION, AIR FORCE</b>				

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Construction, Air Force	Germany Spangdahlem AB	Construct Deficit Military Family Housing .....	53,584	53,584
	Worldwide Unspecified			
Construction, Air Force	Unspecified Worldwide Locations	Construction Improvements .....	46,638	46,638
Construction, Air Force	Unspecified Worldwide Locations	Planning & Design .....	3,409	3,409
<b>SUBTOTAL CONSTRUCTION, AIR FORCE</b> .....			<b>103,631</b>	<b>103,631</b>
<b>O&amp;M, AIR FORCE</b>				
	Worldwide Unspecified			
O&M, Air Force	Unspecified Worldwide Locations	Housing Privatization .....	22,593	87,593
O&M, Air Force	Unspecified Worldwide Locations	Utilities .....	42,732	42,732
O&M, Air Force	Unspecified Worldwide Locations	Management .....	56,022	56,022
O&M, Air Force	Unspecified Worldwide Locations	Services .....	7,770	7,770
O&M, Air Force	Unspecified Worldwide Locations	Furnishings .....	30,283	30,283
O&M, Air Force	Unspecified Worldwide Locations	Miscellaneous .....	2,144	2,144
O&M, Air Force	Unspecified Worldwide Locations	Leasing .....	15,768	15,768
O&M, Air Force	Unspecified Worldwide Locations	Maintenance .....	117,704	117,704
<b>SUBTOTAL O&amp;M, AIR FORCE</b> .....			<b>295,016</b>	<b>360,016</b>
<b>O&amp;M, DEFENSE-WIDE</b>				
	Worldwide Unspecified			
O&M, Defense-Wide	Unspecified Worldwide Locations	Utilities .....	4,100	4,100
O&M, Defense-Wide	Unspecified Worldwide Locations	Furnishings .....	82	82
O&M, Defense-Wide	Unspecified Worldwide Locations	Utilities .....	13	13
O&M, Defense-Wide	Unspecified Worldwide Locations	Leasing .....	12,906	12,906
O&M, Defense-Wide	Unspecified Worldwide Locations	Maintenance .....	32	32
O&M, Defense-Wide	Unspecified Worldwide Locations	Furnishings .....	645	645
O&M, Defense-Wide	Unspecified Worldwide Locations	Leasing .....	39,222	39,222
<b>SUBTOTAL O&amp;M, DEFENSE-WIDE</b> .....			<b>57,000</b>	<b>57,000</b>
<b>IMPROVEMENT FUND</b>				
	Worldwide Unspecified			
Improvement Fund	Unspecified Worldwide Locations	Administrative Expenses—FHIF .....	3,045	3,045
<b>SUBTOTAL IMPROVEMENT FUND</b> .....			<b>3,045</b>	<b>3,045</b>
<b>UNACCOMP HSG IMPROVEMENT FUND</b>				
	Worldwide Unspecified			
Unaccomp HSG Improve- ment Fund	Unspecified Worldwide Locations	Administrative Expenses—UHIF .....	500	500
<b>SUBTOTAL UNACCOMP HSG IMPROVEMENT FUND</b> .....			<b>500</b>	<b>500</b>
<b>TOTAL FAMILY HOUSING</b> .....			<b>1,324,002</b>	<b>1,535,002</b>
<b>DEFENSE BASE REALIGNMENT AND CLOSURE</b>				
<b>ARMY BRAC</b>				
	Worldwide Unspecified			
Army BRAC	Base Realignment & Closure, Army	Base Realignment and Closure .....	66,111	66,111
<b>SUBTOTAL ARMY BRAC</b> .....			<b>66,111</b>	<b>66,111</b>
<b>NAVY BRAC</b>				
	Worldwide Unspecified			
Navy BRAC	Unspecified Worldwide Locations	Base Realignment & Closure .....	158,349	158,349
<b>SUBTOTAL NAVY BRAC</b> .....			<b>158,349</b>	<b>158,349</b>
<b>AIR FORCE BRAC</b>				
	Worldwide Unspecified			
Air Force BRAC	Unspecified Worldwide Locations	DoD BRAC Activities—Air Force .....	54,066	54,066
<b>SUBTOTAL AIR FORCE BRAC</b> .....			<b>54,066</b>	<b>54,066</b>
<b>TOTAL DEFENSE BASE REALIGNMENT AND CLOSURE</b> .....			<b>278,526</b>	<b>278,526</b>
<b>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC</b> .....			<b>11,241,653</b>	<b>11,049,237</b>

SEC. 4602. MILITARY CONSTRUCTION FOR OVER-  
SEAS CONTINGENCY OPERATIONS.SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS  
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2020 Request	Senate Authorized
<b>MILITARY CONSTRUCTION</b>				
<b>ARMY</b>				

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2020 Request	Senate Authorized
	Guantanamo Bay, Cuba			
Army	Guantanamo Bay Naval Station	OCO: Communications Facility .....	22,000	22,000
Army	Guantanamo Bay Naval Station	OCO: High Value Detention Facility .....	88,500	0
Army	Guantanamo Bay Naval Station	OCO: Detention Legal Office and Comms Ctr .....	11,800	11,800
	Worldwide Unspecified			
Army	Unspecified Worldwide Locations	EDI: Bulk Fuel Storage .....	36,000	36,000
Army	Unspecified Worldwide Locations	EDI: Information Systems Facility .....	6,200	6,200
Army	Unspecified Worldwide Locations	EDV/OCO Planning and Design .....	19,498	19,498
Army	Unspecified Worldwide Locations	EDI: Minor Construction .....	5,220	5,220
Army	Unspecified Worldwide Locations	Unspecified Worldwide Construction .....	9,200,000	0
<b>SUBTOTAL ARMY .....</b>			<b>9,389,218</b>	<b>100,718</b>
<b>NAVY</b>				
	North Carolina			
Navy	Camp Lejeune	1/8 BN HQ Replacement .....	0	20,635
Navy	Camp Lejeune	22nd, 24th and 26th MEU Headquarters Replacement .....	0	31,110
Navy	Camp Lejeune	2D Tank BN/CO HQ and Armory Replacement .....	0	30,154
Navy	Camp Lejeune	2D TSB HQ Replacement .....	0	17,413
Navy	Camp Lejeune	Bachelor Enlisted Quarters Replacement .....	0	62,104
Navy	Camp Lejeune	C-12W Aircraft Maintenance Hangar Replacement .....	0	36,295
Navy	Camp Lejeune	CLB Headquarters Facilities Replacement .....	0	24,788
Navy	Camp Lejeune	Courthouse Bay Fire Station Replacement .....	0	21,336
Navy	Camp Lejeune	Environmental Management Division Replacement .....	0	11,658
Navy	Camp Lejeune	Fire Station Replacement, Hadnot Point .....	0	21,931
Navy	Camp Lejeune	Hadnot Point Mess Hall Replacement .....	0	66,023
Navy	Camp Lejeune	II MEF Simulation/Training Center Replacement .....	0	74,487
Navy	Camp Lejeune	LOGCOM CSP Warehouse Replacement .....	0	35,874
Navy	Camp Lejeune	LSSS Facility Replacement .....	0	26,815
Navy	Camp Lejeune	MCAB HQ Replacement .....	0	30,109
Navy	Camp Lejeune	MCCSSS Log Ops School .....	0	179,617
Navy	Camp Lejeune	PMO/H&HS & MWHS-2 Headquarters Replacement .....	0	65,845
Navy	Camp Lejeune	Replace NCIS Facilities .....	0	22,594
Navy	Camp Lejeune	Replace Regimental Headquarters 2DMARDIV .....	0	64,155
Navy	Camp Lejeune	Replace WTBN Headquarters .....	0	18,644
Navy	MCAS Cherry Point	BT-11 Range Operations Center Replacement .....	0	14,251
Navy	MCAS Cherry Point	Motor Transportation/Communication Shop Replacement .....	0	32,785
Navy	MCAS Cherry Point	Station Academic Facility/Auditorium Replacement .....	0	17,525
	Spain			
Navy	Rota	EDI: Joint Mobility Center .....	46,840	46,840
Navy	Rota	EDI: In-Transit Munitions Facility .....	9,960	9,960
Navy	Rota	EDI: Small Craft Berthing Facility .....	12,770	12,770
	Worldwide Unspecified			
Navy	Unspecified	Planning & Design .....	0	50,000
Navy	Unspecified Worldwide Locations	Planning and Design .....	25,000	25,000
<b>SUBTOTAL NAVY .....</b>			<b>94,570</b>	<b>1,070,718</b>
<b>AIR FORCE</b>				
	Florida			
Air Force	Tyndall AFB	53 WEG Hangar .....	0	96,000
Air Force	Tyndall AFB	53 WEG HQ Facility .....	0	47,000
Air Force	Tyndall AFB	53 WEG Subscale Drone Facility .....	0	53,000
Air Force	Tyndall AFB	ABM SIM .....	0	12,900
Air Force	Tyndall AFB	Aerospace & Operational Physiology Facility .....	0	10,400
Air Force	Tyndall AFB	AFCEC RDT&E Facilities and Gate .....	0	195,000
Air Force	Tyndall AFB	Aircraft Washrack .....	0	10,600
Air Force	Tyndall AFB	Civil Engineer Contracting USACE Complex .....	0	130,000
Air Force	Tyndall AFB	Crash Fire Rescue .....	0	17,200
Air Force	Tyndall AFB	Deployment Center / Flight Line Dining / AAFES .....	0	31,000
Air Force	Tyndall AFB	Emergency Management, EOC, Alt CP .....	0	14,400
Air Force	Tyndall AFB	Fire Station #2 .....	0	11,000
Air Force	Tyndall AFB	Fire Station Silver Flag #4 .....	0	5,900
Air Force	Tyndall AFB	FW AC Maintenance Fuel Cell (Barn) .....	0	28,000
Air Force	Tyndall AFB	Logistics Readiness Squadron Complex .....	0	102,000
Air Force	Tyndall AFB	LRS Aircraft Parts & Deployable Spares Storage Facilities .....	0	29,000
Air Force	Tyndall AFB	New Lodge Facilities .....	0	176,000
Air Force	Tyndall AFB	Operations Group/Maintenance Group HQ .....	0	18,500
Air Force	Tyndall AFB	OSS / RAPCON Facility .....	0	51,000
Air Force	Tyndall AFB	Relocate F-22 Formal Training Unit .....	0	150,000
Air Force	Tyndall AFB	SFS Mobility Storage Facility .....	0	2,800
Air Force	Tyndall AFB	Silver Flag Facilities .....	0	35,000
Air Force	Tyndall AFB	Special Purpose Vehicle Maintenance .....	0	14,000
Air Force	Tyndall AFB	Tyndall AFB Gate Complexes .....	0	38,000
	Iceland			
Air Force	Keflavik	EDI-Expand Parking Apron .....	32,000	32,000
Air Force	Keflavik	EDI-Beddown Site Prep .....	7,000	7,000
Air Force	Keflavik	EDI-Airfield Upgrades—Dangerous Cargo Pad .....	18,000	18,000
	Spain			
Air Force	Moron	EDI-Hot Cargo Pad .....	8,500	8,500
	Worldwide Unspecified			
Air Force	Unspecified	Planning & Design .....	0	247,000
Air Force	Unspecified Worldwide Locations	EDI-Hot Cargo Pad .....	29,000	29,000

**SEC. 4602. MILITARY CONSTRUCTION FOR OVERSEAS CONTINGENCY OPERATIONS**  
(In Thousands of Dollars)

Account	State or Country and Installation	Project Title	FY 2020 Request	Senate Authorized
Air Force	Unspecified Worldwide Locations	EDI-MUNITIONS STORAGE AREA .....	39,000	39,000
Air Force	Unspecified Worldwide Locations	EDI-ECAOS DABS/FEV EMEDS Storage .....	107,000	107,000
Air Force	Various Worldwide Locations	EDI-P&D .....	61,438	61,438
Air Force	Various Worldwide Locations	EDI-UMMC .....	12,800	12,800
<b>SUBTOTAL AIR FORCE .....</b>			<b>314,738</b>	<b>1,840,438</b>
<b>DEFENSE-WIDE</b>				
Defense-Wide	Germany Gemersheim	EDI: Logistics Distribution Center Annex .....	46,000	46,000
Defense-Wide	North Carolina Camp Lejeune	Ambulatory Care Center (Camp Geiger) .....	0	17,821
Defense-Wide	Camp Lejeune	Ambulatory Care Center (Camp Johnson) .....	0	27,492
Defense-Wide	Camp Lejeune	Replace MARSOC ITC Team Facility .....	0	30,000
Defense-Wide	Worldwide Unspecified			
Defense-Wide	Unspecified Worldwide Locations	2808 Replenishment Fund .....	0	3,600,000
<b>SUBTOTAL DEFENSE-WIDE .....</b>			<b>46,000</b>	<b>3,721,313</b>
<b>ARMY NATIONAL GUARD</b>				
Army National Guard	Florida Panama City	National Guard Readiness Center .....	0	25,000
Army National Guard	North Carolina MTA Fort Fisher	Administrative Building, General Purpose .....	0	25,000
<b>SUBTOTAL ARMY NATIONAL GUARD .....</b>				<b>50,000</b>
<b>TOTAL MILITARY CONSTRUCTION .....</b>			<b>9,844,526</b>	<b>6,783,187</b>
<b>TOTAL MILITARY CONSTRUCTION, FAMILY HOUSING, AND BRAC .....</b>			<b>9,844,526</b>	<b>6,783,187</b>

**TITLE XLVII—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL  
SECURITY PROGRAMS.**

**SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS**  
(In Thousands of Dollars)

Program	FY 2020 Request	Senate Authorized
<b>Discretionary Summary by Appropriation</b>		
<b>Energy and Water Development and Related Agencies</b>		
<b>Appropriation Summary:</b>		
<b>Energy Programs</b>		
Nuclear energy .....	137,808	137,808
<b>Atomic Energy Defense Activities</b>		
<b>National nuclear security administration:</b>		
Federal Salaries and Expenses .....	434,699	422,999
Weapons activities .....	12,408,603	12,478,403
Defense nuclear nonproliferation .....	1,993,302	1,964,202
Naval reactors .....	1,648,396	1,648,396
<b>Total, National nuclear security administration .....</b>	<b>16,485,000</b>	<b>16,514,000</b>
<b>Environmental and other defense activities:</b>		
Defense environmental cleanup .....	5,506,501	5,506,501
Other defense activities .....	1,035,339	1,032,339
Defense nuclear waste disposal (90M in 270 Energy) .....	26,000	0
<b>Total, Environmental &amp; other defense activities .....</b>	<b>6,567,840</b>	<b>6,538,840</b>
<b>Total, Atomic Energy Defense Activities .....</b>	<b>23,052,840</b>	<b>23,052,840</b>
<b>Total, Discretionary Funding .....</b>	<b>23,190,648</b>	<b>23,190,648</b>
<b>Nuclear Energy</b>		
Idaho sitewide safeguards and security .....	137,808	137,808
<b>Total, Nuclear Energy .....</b>	<b>137,808</b>	<b>137,808</b>
<b>Federal Salaries and Expenses</b>		
Program direction .....	434,699	422,999
Alignment with FTEs authorized .....		[−11,700]
<b>Weapons Activities</b>		
<b>Directed stockpile work</b>		
<b>Life extension programs and major alterations</b>		

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2020 Request	Senate Authorized
B61 Life extension program .....	792,611	792,611
W76 Life extension program .....	0	0
W76–2 Modification program .....	10,000	10,000
W88 Alteration program .....	304,186	304,186
W80–4 Life extension program .....	898,551	898,551
IW1 .....	0	0
W87–1 Modification Program (formerly IW1) .....	112,011	112,011
<b>Total, Life extension programs and major alterations .....</b>	<b>2,117,359</b>	<b>2,117,359</b>
<b>Stockpile systems</b>		
B61 Stockpile systems .....	71,232	71,232
W76 Stockpile systems .....	89,804	89,804
W78 Stockpile systems .....	81,299	81,299
W80 Stockpile systems .....	85,811	85,811
B83 Stockpile systems .....	51,543	51,543
W87 Stockpile systems .....	98,262	98,262
W88 Stockpile systems .....	157,815	157,815
<b>Total, Stockpile systems .....</b>	<b>635,766</b>	<b>635,766</b>
<b>Weapons dismantlement and disposition</b>		
Operations and maintenance .....	47,500	47,500
<b>Stockpile services</b>		
Production support .....	543,964	543,964
Research and development support .....	39,339	40,339
UFR list—technology maturation .....		[1,000]
R&D certification and safety .....	236,235	246,235
UFR list—technology maturation .....		[10,000]
Management, technology, and production .....	305,000	305,000
<b>Total, Stockpile services .....</b>	<b>1,124,538</b>	<b>1,135,538</b>
<b>Strategic materials</b>		
Uranium sustainment .....	94,146	94,146
Plutonium sustainment .....	0	0
<b>Plutonium sustainment:</b>		
Plutonium sustainment .....	691,284	691,284
Plutonium pit production project .....	21,156	21,156
<b>Total, Plutonium sustainment: .....</b>	<b>712,440</b>	<b>712,440</b>
Tritium sustainment .....	269,000	269,000
Domestic uranium enrichment .....	140,000	140,000
Lithium sustainment .....	28,800	28,800
Strategic materials sustainment .....	256,808	256,808
<b>Total, Strategic materials .....</b>	<b>1,501,194</b>	<b>1,501,194</b>
<b>Total, Directed stockpile work .....</b>	<b>5,426,357</b>	<b>5,437,357</b>
<b>Research, development, test, and evaluation (RDT&amp;E)</b>		
<b>Science</b>		
Advanced certification .....	57,710	57,710
Primary assessment technologies .....	95,169	95,169
Dynamic materials properties .....	133,800	133,800
Advanced radiography .....	32,544	32,544
Secondary assessment technologies .....	77,553	77,553
Academic alliances and partnerships .....	44,625	44,625
Enhanced Capabilities for Subcritical Experiments .....	145,160	145,160
<b>Total, Science .....</b>	<b>586,561</b>	<b>586,561</b>
<b>Engineering</b>		
Enhanced surety .....	46,500	54,500
UFR list—technology maturation .....		[8,000]
Weapon systems engineering assessment technology .....	0	0
Delivery environments (formerly Weapon systems engineering assessment technology) .....	35,945	35,945
Nuclear survivability .....	53,932	53,932
Enhanced surveillance .....	57,747	57,747
Stockpile Responsiveness .....	39,830	80,630
Program expansion .....		[40,800]
<b>Total, Engineering .....</b>	<b>233,954</b>	<b>282,754</b>
<b>Inertial confinement fusion ignition and high yield</b>		
Ignition and other stockpile programs .....	55,649	55,649
Ignition .....	0	0
Support of other stockpile programs .....	0	0

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Program	FY 2020 Request	Senate Authorized
Diagnostics, cryogenics and experimental support .....	66,128	66,128
Pulsed power inertial confinement fusion .....	8,571	8,571
Joint program in high energy density laboratory plasmas .....	12,000	12,000
Facility operations and target production .....	338,247	338,247
<b>Total, Inertial confinement fusion and high yield .....</b>	<b>480,595</b>	<b>480,595</b>
<b>Advanced simulation and computing</b>		
Advanced simulation and computing .....	789,849	789,849
<b>Construction:</b>		
18-D-670, Exascale Class Computer Cooling Equipment, LANL .....	0	0
18-D-620, Exascale Computing Facility Modernization Project, LLNL .....	50,000	50,000
<b>Total, Construction .....</b>	<b>50,000</b>	<b>50,000</b>
<b>Total, Advanced simulation and computing .....</b>	<b>839,849</b>	<b>839,849</b>
<b>Advanced manufacturing development</b>		
Additive manufacturing .....	18,500	18,500
Component manufacturing development .....	48,410	58,410
UFR list—technology maturation .....		[10,000]
Process technology development .....	69,998	69,998
<b>Total, Advanced manufacturing development .....</b>	<b>136,908</b>	<b>146,908</b>
<b>Total, RDT&amp;E .....</b>	<b>2,277,867</b>	<b>2,336,667</b>
<b>Infrastructure and operations</b>		
<b>Operating</b>		
<b>Operations of facilities</b>		
Operations of facilities .....	905,000	905,000
Safety and environmental operations .....	119,000	119,000
Maintenance and repair of facilities .....	456,000	456,000
<b>Recapitalization</b>		
Infrastructure and safety .....	447,657	447,657
Capability based investments .....	135,341	135,341
<b>Total, Recapitalization .....</b>	<b>582,998</b>	<b>582,998</b>
<b>Total, Operating .....</b>	<b>2,062,998</b>	<b>2,062,998</b>
<b>Construction:</b>		
19-D-670, 138kV Power Transmission System Replacement, NNSS .....	6,000	6,000
18-D-660, Fire Station, Y-12 .....	0	0
18-D-650, Tritium Production Capability, SRS .....	27,000	27,000
18-D-680, Materials staging facility, PX .....	0	0
18-D-690, Lithium production capability, Y-12 .....	0	0
18-D-690, Lithium processing facility, Y-12 (formerly Lithium production capability) .....	32,000	32,000
17-D-640, U1a Complex Enhancements Project, NNSS .....	35,000	35,000
17-D-630, Expand Electrical Distribution System, LLNL .....	0	0
16-D-515, Albuquerque complex project .....	0	0
15-D-613, Emergency Operations Center, Y-12 .....	0	0
15-D-612, Emergency Operations Center, LLNL .....	5,000	5,000
15-D-611, Emergency Operations Center, SNL .....	4,000	4,000
15-D-301 HE Science & Engineering Facility, PX .....	123,000	123,000
07-D-220, Radioactive liquid waste treatment facility upgrade project, LANL .....	0	0
07-D-220-04, Transuranic liquid waste facility, LANL .....	0	0
06-D-141, Uranium processing facility Y-12, Oak Ridge, TN .....	745,000	745,000
<b>Chemistry and metallurgy research replacement (CMRR)</b>		
04-D-125, Chemistry and metallurgy research replacement project, LANL .....	168,444	168,444
04-D-125-04, RLUOB equipment installation .....	0	0
04-D-125-05, PF -4 equipment installation .....	0	0
<b>Total, Chemistry and metallurgy research replacement (CMRR) .....</b>	<b>168,444</b>	<b>168,444</b>
<b>Total, Construction .....</b>	<b>1,145,444</b>	<b>1,145,444</b>
<b>Total, Infrastructure and operations .....</b>	<b>3,208,442</b>	<b>3,208,442</b>
<b>Secure transportation asset</b>		
Operations and equipment .....	209,502	209,502
Program direction .....	107,660	107,660
<b>Total, Secure transportation asset .....</b>	<b>317,162</b>	<b>317,162</b>
<b>Defense nuclear security .....</b>		0
Operations and maintenance .....	778,213	778,213
Security improvements program .....	0	0
<b>Construction:</b>		0
17-D-710, West end protected area reduction project, Y-12 .....	0	0
<b>Total, Defense nuclear security .....</b>	<b>778,213</b>	<b>778,213</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2020 Request	Senate Authorized
Information technology and cybersecurity .....	309,362	309,362
Legacy contractor pensions .....	91,200	91,200
<b>Subtotal, Weapons activities .....</b>	<b>12,408,603</b>	<b>12,478,403</b>
<b>Adjustments</b>		
Use of prior year balances .....	0	0
<b>Total, Adjustments .....</b>	<b>0</b>	<b>0</b>
<b>Total, Weapons Activities .....</b>	<b>12,408,603</b>	<b>12,478,403</b>
<b>Defense Nuclear Nonproliferation</b>		
<b>Defense Nuclear Nonproliferation Programs</b>		
<b>Material management and minimization</b>		
HEU reactor conversion .....	114,000	114,000
Nuclear material removal .....	32,925	32,925
Material disposition .....	186,608	186,608
Laboratory and partnership support .....	0	0
<b>Total, Material management &amp; minimization .....</b>	<b>333,533</b>	<b>333,533</b>
<b>Global material security</b>		
International nuclear security .....	48,839	48,839
Domestic radiological security .....	90,513	90,513
International radiological security .....	60,827	60,827
Nuclear smuggling detection and deterrence .....	142,171	142,171
<b>Total, Global material security .....</b>	<b>342,350</b>	<b>342,350</b>
Nonproliferation and arms control .....	137,267	137,267
<b>Defense nuclear nonproliferation R&amp;D</b>		
Proliferation detection .....	304,040	284,540
Nonproliferation Stewardship program strategic plan .....		[-19,500]
Nuclear detonation detection .....	191,317	191,317
Nonproliferation fuels development .....	0	0
<b>Total, Defense Nuclear Nonproliferation R&amp;D .....</b>	<b>495,357</b>	<b>475,857</b>
<b>Nonproliferation construction</b>		
<b>U. S. Construction:</b>		
18-D-150 Surplus Plutonium Disposition Project .....	79,000	79,000
99-D-143, Mixed Oxide (MOX) Fuel Fabrication Facility, SRS .....	220,000	220,000
<b>Total, U. S. Construction: .....</b>	<b>299,000</b>	<b>299,000</b>
<b>Total, Nonproliferation construction .....</b>	<b>299,000</b>	<b>299,000</b>
<b>Total, Defense Nuclear Nonproliferation Programs .....</b>	<b>1,607,507</b>	<b>1,588,007</b>
Legacy contractor pensions .....	13,700	13,700
<b>Nuclear counterterrorism and incident response program</b>		
Nuclear counterterrorism and incident response .....	0	0
Emergency Operations .....	35,545	25,945
Non-defense function realignment .....		[-9,600]
Counterterrorism and Counterproliferation .....	336,550	336,550
<b>Total, Nuclear counterterrorism and incident response</b>		
program .....	372,095	362,495
<b>Subtotal, Defense Nuclear Nonproliferation .....</b>	<b>1,993,302</b>	<b>1,964,202</b>
<b>Adjustments</b>		
Use of prior year balances .....	0	0
<b>Total, Adjustments .....</b>	<b>0</b>	<b>0</b>
<b>Subtotal, Defense Nuclear Nonproliferation .....</b>	<b>1,993,302</b>	<b>1,964,202</b>
<b>Rescission</b>		
Rescission of prior year balances .....	0	0
Rescission of prior year balances (Gen. Prov.) .....	0	0
<b>Total, Defense Nuclear Nonproliferation .....</b>	<b>1,993,302</b>	<b>1,964,202</b>
<b>Naval Reactors</b>		
Naval reactors development .....	531,205	531,205
Columbia-Class reactor systems development .....	75,500	75,500
S8G Prototype refueling .....	155,000	155,000
Naval reactors operations and infrastructure .....	553,591	553,591
Program direction .....	50,500	50,500
<b>Construction:</b>		
20-D-931, KL Fuel development laboratory .....	23,700	23,700
19-D-930, KS Overhead Piping .....	20,900	20,900
17-D-911, BL Fire System Upgrade .....	0	0
15-D-904, NRF Overpack Storage Expansion 3 .....	0	0
15-D-903, KL Fire System Upgrade .....	0	0



SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2020 Request	Senate Authorized
14-D-901, Spent fuel handling recapitalization project, NRF .....	238,000	238,000
<b>Total, Construction</b> .....	<b>282,600</b>	<b>282,600</b>
Transfer to NE—Advanced Test Reactor (non-add) .....	( 0)	( 0)
<b>Total, Naval Reactors</b> .....	<b>1,648,396</b>	<b>1,648,396</b>
<b>Defense Environmental Cleanup</b>		
<b>Closure sites:</b>		
Closure sites administration .....	4,987	4,987
<b>Richland:</b>		
<b>River corridor and other cleanup operations:</b>		
River corridor and other cleanup operations .....	139,750	139,750
<b>Central plateau remediation:</b>		
Central plateau remediation .....	472,949	472,949
<b>Total, Central plateau remediation</b> .....	<b>472,949</b>	<b>472,949</b>
Richland community and regulatory support .....	5,121	5,121
<b>Construction:</b>		
18-D-404 WESF Modifications and Capsule Storage .....	11,000	11,000
<b>Total, Construction</b> .....	<b>11,000</b>	<b>11,000</b>
<b>Total, Richland</b> .....	<b>628,820</b>	<b>628,820</b>
<b>Office of River Protection:</b>		
Waste Treatment Immobilization Plant Commissioning .....	15,000	15,000
Rad liquid tank waste stabilization and disposition .....	677,460	677,460
<b>Construction:</b>		
18-D-16 Waste treatment and immobilization plant -LBL/Direct feed LAW .....	640,000	640,000
15-D-409 Low activity waste pretreatment system, ORP .....	0	0
01-D-16 D, High-level waste facility .....	30,000	30,000
01-D-16 E, Pretreatment Facility .....	20,000	20,000
<b>Total, Construction</b> .....	<b>690,000</b>	<b>690,000</b>
ORP Low-level waste offsite disposal .....	10,000	10,000
<b>Total, Office of River protection</b> .....	<b>1,392,460</b>	<b>1,392,460</b>
<b>Idaho National Laboratory:</b>		
Idaho cleanup and waste disposition .....	331,354	331,354
ID Excess facilities R&D .....	0	0
Idaho community and regulatory support .....	3,500	3,500
<b>Total, Idaho National Laboratory</b> .....	<b>334,854</b>	<b>334,854</b>
<b>NNSA sites and Nevada off-sites</b>		
Lawrence Livermore National Laboratory .....	1,727	1,727
LLNL Excess facilities R&D .....	128,000	128,000
Nuclear facility D & D Separations Process Research Unit .....	15,300	15,300
Nevada .....	60,737	60,737
Sandia National Laboratories .....	2,652	2,652
Los Alamos National Laboratory .....	195,462	195,462
<b>Total, NNSA sites and Nevada off-sites</b> .....	<b>403,878</b>	<b>403,878</b>
<b>Oak Ridge Reservation:</b>		
OR Nuclear facility D & D .....	93,693	93,693
OR Excess facilities R&D .....	0	0
U233 Disposition Program .....	45,000	45,000
<b>OR cleanup and waste disposition</b>		
OR cleanup and waste disposition .....	82,000	82,000
<b>Subtotal, OR cleanup and waste disposition</b> .....	<b>82,000</b>	<b>82,000</b>
<b>Construction:</b>		
17-D-401 On-site waste disposal facility .....	15,269	15,269
14-D-403 Outfall 200 Mercury Treatment Facility .....	49,000	49,000
<b>Total, Construction</b> .....	<b>64,269</b>	<b>64,269</b>
<b>Total, OR cleanup and waste disposition</b> .....	<b>146,269</b>	<b>146,269</b>
OR community & regulatory support .....	4,819	4,819
OR technology development and deployment .....	3,000	3,000
<b>Total, Oak Ridge Reservation</b> .....	<b>292,781</b>	<b>292,781</b>
<b>Savannah River Sites:</b>		
<b>Savannah River risk management operations:</b>		
Savannah River risk management operations .....	490,613	490,613
<b>Construction:</b>		
18-D-402, Emergency Operations Center Replacement, SR .....	6,792	6,792
<b>Total, Savannah River risk management operations</b> .....	<b>497,405</b>	<b>497,405</b>

SEC. 4701. DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS  
(In Thousands of Dollars)

Program	FY 2020 Request	Senate Authorized
SR community and regulatory support .....	4,749	4,749
<b>Radioactive liquid tank waste:</b>		
Radioactive liquid tank waste stabilization and disposition .....	797,706	797,706
<b>Construction:</b>		
20-D-402 Advanced Manufacturing Collaborative Facility (AMC) .....	50,000	50,000
20-D-401 Saltstone Disposal Unit #10, 11, 12 .....	500	500
19-D-701 SR Security system replacement .....	0	0
18-D-402, Saltstone disposal unit #8/9 .....	51,750	51,750
17-D-402—Saltstone Disposal Unit #7 .....	40,034	40,034
05-D-405 Salt waste processing facility, SRS .....	20,988	20,988
<b>Total, Construction .....</b>	<b>163,272</b>	<b>163,272</b>
<b>Total, Radioactive liquid tank waste .....</b>	<b>960,978</b>	<b>960,978</b>
<b>Total, Savannah River Site .....</b>	<b>1,463,132</b>	<b>1,463,132</b>
<b>Waste Isolation Pilot Plant</b>		
Waste Isolation Pilot Plant .....	299,088	299,088
<b>Construction:</b>		
15-D-411 Safety significant confinement ventilation system, WIPP .....	58,054	58,054
15-D-412 Exhaust shaft, WIPP .....	34,500	34,500
<b>Total, Construction .....</b>	<b>92,554</b>	<b>92,554</b>
<b>Total, Waste Isolation Pilot Plant .....</b>	<b>391,642</b>	<b>391,642</b>
Program direction .....	278,908	278,908
Program support .....	12,979	12,979
Safeguards and Security .....	317,622	317,622
Technology development .....	0	0
Use of prior year balances .....	0	0
<b>Subtotal, Defense environmental cleanup .....</b>	<b>5,522,063</b>	<b>5,522,063</b>
<b>Rescission:</b>		
Rescission of prior year balances .....	-15,562	-15,562
Rescission of prior year balances (Gen. Prov.) .....	0	0
<b>Total, Defense Environmental Cleanup .....</b>	<b>5,506,501</b>	<b>5,506,501</b>
<b>Other Defense Activities</b>		
<b>Environment, health, safety and security</b>		
Environment, health, safety and security .....	139,628	139,628
Program direction .....	72,881	72,881
<b>Total, Environment, Health, safety and security .....</b>	<b>212,509</b>	<b>212,509</b>
<b>Independent enterprise assessments</b>		
Independent enterprise assessments .....	24,068	24,068
Program direction .....	57,211	54,211
Non-defense function realignment .....		[-3,000]
<b>Total, Independent enterprise assessments .....</b>	<b>81,279</b>	<b>78,279</b>
Specialized security activities .....	254,578	254,578
<b>Office of Legacy Management</b>		
Legacy management .....	283,767	283,767
Program direction .....	19,262	19,262
<b>Total, Office of Legacy Management .....</b>	<b>303,029</b>	<b>303,029</b>
<b>Defense related administrative support</b>		
Chief financial officer .....	54,538	54,538
Chief information officer .....	124,554	124,554
<b>Total, Defense related administrative support .....</b>	<b>179,092</b>	<b>179,092</b>
Office of hearings and appeals .....	4,852	4,852
<b>Subtotal, Other defense activities .....</b>	<b>1,035,339</b>	<b>1,032,339</b>
Use of prior year balances (HA) .....	0	0
<b>Total, Other Defense Activities .....</b>	<b>1,035,339</b>	<b>1,032,339</b>
<b>Defense Nuclear Waste Disposal</b>		
Yucca mountain and interim storage .....	26,000	0
<b>Total, Defense Nuclear Waste .....</b>	<b>26,000</b>	<b>0</b>

**DIVISION E—ADDITIONAL PROVISIONS**  
**TITLE LI—PROCUREMENT**

**SEC. 5101. BRIEFING ON PLANS TO INCREASE READINESS OF B-1 BOMBER AIRCRAFT.**

(a) IN GENERAL.—Not later than January 31, 2020, the Secretary of the Air Force shall provide the congressional defense committees a briefing on the Air Force's plans to increase the readiness of the B-1 bomber aircraft.

(b) ELEMENTS.—The briefing required under subsection (a) shall include the following elements:

- (1) A description of aircraft structural issues.
- (2) A plan for continued structural deficiency data analysis and training.
- (3) Projected repair timelines.
- (4) Future mitigation strategies.
- (5) An aircrew maintainer training plan, including a plan to ensure that the training pipeline remains steady, for any degradation period.
- (6) A recovery timeline to meet future deployment tasking.
- (7) A plan for continued upgrades and improvements.

**SEC. 5126. LIMITATION ON AVAILABILITY OF FUNDS FOR THE LITTORAL COMBAT SHIP.**

(a) LIMITATION.—The text of subsection (a) of section 126 is hereby deemed to read as follows:

“(a) LIMITATIONS.—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be used to exceed, and the Department may not otherwise exceed, the total procurement quantity of thirty-five Littoral Combat Ships, unless the Under Secretary of Defense for Acquisition and Sustainment submits to the congressional defense committees the certifications described in subsection (b).”.

(b) DEFINITION.—Subsection (c) of section 126 shall have no force or effect.

**SEC. 5151. LIMITATION ON AVAILABILITY OF FUNDS FOR COMMUNICATIONS SYSTEMS LACKING CERTAIN RESILIENCY FEATURES.**

The text of subsection (a) of section 151 preceding paragraph (1) is hereby deemed to read as follows:

“(a) IN GENERAL.—Except as provided under subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be used for the procurement of a current or future Department of Defense communications program of records, and the Department may not otherwise procure a current or future communications program of record, unless the communications equipment—”.

**TITLE LII—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION**

**SEC. 5201. ENERGETICS PLAN.**

(a) PLAN REQUIRED.—The Under Secretary of Defense for Research and Engineering shall, in coordination with the technical directors at defense laboratories and such other officials as the Under Secretary considers appropriate, develop an energetics research and development plan to ensure a long-term multi-domain research, development, prototyping, and experimentation effort that—

- (1) maintains United States technological superiority in energetics technology critical to national security;
- (2) efficiently develops new energetics technologies and transitions them into operational use, as appropriate; and
- (3) maintains a robust industrial base and workforce to support Department of Defense requirements for energetic materials.

(b) BRIEFING.—Not later than one year after the date of the enactment of this Act, the Under Secretary shall brief the congressional defense committees on the plan developed under subsection (a).

**SEC. 5202. AMENDMENTS TO RESEARCH PROJECT TRANSACTION AUTHORITIES TO ELIMINATE COST-SHARING REQUIREMENTS AND REDUCE BURDENS ON USE.**

(a) COOPERATIVE AGREEMENTS FOR RESEARCH PROJECTS.—Section 2371(e) of title 10, United States Code, is amended—

- (1) by striking paragraph (2);
- (2) by striking paragraph (1)(B);
- (3) in paragraph (1)(A), by striking “; and” and inserting a period; and
- (4) by striking “(e) CONDITIONS.—(1) The Secretary of Defense” and all that follows through “(A) to the maximum extent practicable” and inserting “(e) CONDITIONS.—The Secretary of Defense, to the maximum extent practicable”.

(b) CONFORMING AMENDMENT.—Section 2371b(b) of title 10, United States Code, is amended by striking “(b) EXERCISE OF AUTHORITY.—” and all that follows through “(2) To the maximum extent practicable” and inserting “(b) EXERCISE OF AUTHORITY.—To the maximum extent practicable”.

**SEC. 5203. COMPARATIVE CAPABILITIES OF ADVERSARIES IN ARTIFICIAL INTELLIGENCE.**

(a) EXPANSION OF DUTIES OF OFFICIAL WITH PRINCIPAL RESPONSIBILITY FOR COORDINATION OF ACTIVITIES RELATING TO DEVELOPMENT AND DEMONSTRATION OF ARTIFICIAL INTELLIGENCE.—Section 238(c)(2)(I) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) is amended—

- (1) in clause (i), by striking “; and” and inserting a semicolon;
- (2) in clause (ii), by striking the period at the end and inserting “; and”; and
- (3) by adding at the end the following new clause:

“(iii) that appropriate entities in the Department are reviewing all open sources publications from both the United States and outside the United States that contribute, impact, or advance artificial intelligence research and development.”.

(b) ANALYSIS OF COMPARATIVE CAPABILITIES OF CHINA IN ARTIFICIAL INTELLIGENCE.—The Secretary of Defense shall provide the congressional defense committees with an analysis and briefing that includes the following:

- (1) A comprehensive and national-level—
  - (A) comparison of public and private investment differentiated by sector and industry;
  - (B) review of current trends in ability to set and determine global standards and norms for artificial intelligence technology in international security, including efforts in international standard setting bodies;
- (C) assessment of access to artificial intelligence technology in national security; and
- (D) assessment of areas and activities in which the United States should invest in order to provide the United States with technical superiority over China in relevant areas of artificial intelligence.

(2) A comprehensive assessment of relative technical quality of activities in the United States and China.

(3) A comprehensive assessment of the likelihood that developments in artificial intelligence will successfully transition into military systems of China.

(4) Predicted effects on United States national security if current trends in China and the United States continue.

(5) Predicted effects of current trends on digital and technology export relationships of both countries with existing and new trading partners.

(6) Assessment of the relationships that are critical and in need of development in both private and public sector to ensure investment in artificial intelligence to keep pace with current global trends.

**SEC. 5204. ADDITIONAL AMOUNTS FOR RESEARCH, DEVELOPMENT, TEST, AND EVALUATION.**

(a) ADDITIONAL AMOUNT FOR WORKFORCE TRANSFORMATION CYBER INITIATIVE PILOT PROGRAM.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for research, development, test, and evaluation is hereby increased by \$25,000,000, with the amount of the increase to be available for Information Systems Security Program (PE 0303140D8Z) for the National Security Agency National Cryptologic School for cybersecurity and artificial intelligence curriculum development and establishment of a pilot program to enable workforce transformation certificate-based courses that are developed through this effort and then offered by Center of Academic Excellence Universities.

(b) ADDITIONAL AMOUNT FOR RESEARCH ON ADVANCED DIGITAL RADAR SYSTEMS.—The amount authorized to be appropriated for fiscal year 2020 by section 201 for Navy research, development, test, and evaluation is hereby increased by \$5,000,000, with the amount of the increase to be available for University Research Initiatives (PE 0601103N) for continued research on advanced digital radar systems to meet the evolving goals of the Department of Defense to improve threat detection at greater stand-off distances.

(c) OFFSET.—The amount authorized to be appropriated for fiscal year 2020 by section 1405 for Defense Health Program is hereby decreased by \$30,000,000, with the amount of the decrease to be taken from the amount made available for procurement of the Department of Defense Healthcare Management System Modernization.

**SEC. 5205. BRIEFING ON EXPLAINABLE ARTIFICIAL INTELLIGENCE.**

(a) BRIEFING REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall brief the congressional defense committees on the development and applications of explainable artificial intelligence.

(b) ELEMENTS.—The briefing required under subsection (a) shall address the following:

- (1) The extent to which the Department of Defense currently uses and prioritizes explainable artificial intelligence.
- (2) The limitations of explainable artificial intelligence and the plans of the Department to address those limitations.
- (3) The future plans of the Department to require explainable artificial intelligence, particularly in technologies that have warfighting applications.
- (4) Any potential roadblocks to the effective deployment of explainable artificial intelligence across the Department.
- (5) Identification and description of programs and activities, including funding and schedule, to develop or procure explainable artificial intelligence to meet defense requirements and technology development goals.
- (6) Such other matters as the Secretary considers appropriate.

(c) FORM OF BRIEFING.—The briefing required under subsection (a) shall be provided in unclassified form, but may include a classified supplement.

(d) DEFINITION OF EXPLAINABLE ARTIFICIAL INTELLIGENCE.—In this section, the term “explainable artificial intelligence” means artificial intelligence that has the ability to demonstrate the rationale behind its decisions in order for its human user to comprehend and characterize the strengths and

weaknesses of its decisionmaking process, as well as understand how it will behave in the future in the contexts in which it is used.

**SEC. 5206. ADMINISTRATION OF CENTERS FOR MANUFACTURING INNOVATION FUNDED BY THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall make such changes to the administration of covered centers so as—

(1) to encourage covered centers to leverage existing workforce development programs across the Federal Government and State governments in order to build successful workforce development programs;

(2) to develop metrics to evaluate the workforce development performed by the covered centers, including metrics on job quality, career pathways, wages and benefits, and efforts to support veterans, and progress in aligning workforce skillsets with the current and long-term needs of the Department of Defense and the defense industrial base;

(3) to allow metrics to vary between covered centers and be updated and evaluated continuously in order to more accurately evaluate covered centers with different goals and missions;

(4) to encourage covered centers to consider developing technologies that were previously funded by Federal Government investment for early-stage research and development and expand cross-government coordination and collaboration to achieve this goal;

(5) to provide an opportunity for increased Department of Defense input and oversight from senior-level military and civilian personnel on future technology roadmaps produced by covered centers;

(6) to reduce the barriers to collaboration between and among multiple covered centers;

(7) to use contracting vehicles that can increase flexibility, reduce barriers for contracting with subject-matter experts and small and medium enterprises, enhance partnerships between covered centers, and reduce the time to award contracts at covered centers; and

(8) to overcome barriers to the adoption of manufacturing processes and technologies developed by the covered centers by the defense and commercial industrial base, particularly small and medium enterprises, by engaging with public and private sector partnerships and appropriate government programs and activities, including the Hollings Manufacturing Extension Partnership.

(b) COORDINATION WITH OTHER ACTIVITIES.—The Secretary shall carry out this section in coordination with activities undertaken under—

(1) the Manufacturing Technology Program established under section 2521 of title 10, United States Code;

(2) the Manufacturing Engineering Education Program established under section 2196 of such title;

(3) the Defense Manufacturing Community Support Program established under section 846 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232);

(4) manufacturing initiatives of the Secretary of Commerce, the head of the National Office of the Network for Manufacturing Innovation Program, the Secretary of Energy, and such other government and private sector organizations as the Secretary of Defense considers appropriate; and

(5) such other activities as the Secretary considers appropriate.

(c) DEFINITION OF COVERED CENTER.—In this section, the term “covered center” means a manufacturing innovation institute that is funded by the Department of Defense.

**SEC. 5207. COMMERCIAL EDGE COMPUTING TECHNOLOGIES AND BEST PRACTICES FOR DEPARTMENT OF DEFENSE WARFIGHTING SYSTEMS.**

(a) REPORT REQUIRED.—Not later than 120 days after the date of the enactment of this Act, the Under Secretary of Defense for Acquisition and Sustainment shall submit to the congressional defense committees a report on commercial edge computing technologies and best practices for Department of Defense warfighting systems.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Identification of initial warfighting system programs of record that will benefit most from accelerated insertion of commercial edge computing technologies and best practices, resulting in significant near-term improvement in system performance and mission capability.

(2) The plan of the Department of Defense to provide additional funding for the systems identified in paragraph (1) to achieve fielding of accelerated commercial edge computing technologies before or during fiscal year 2021.

(3) The plan of the Department to identify, manage, and provide additional funding for commercial edge computing technologies more broadly over the next four fiscal years where appropriate for—

(A) command, control, communications, and intelligence systems;

(B) logistics systems; and

(C) other mission-critical systems.

(4) A detailed description of the policies, procedures, budgets, and accelerated acquisition and contracting mechanisms of the Department for near-term insertion of commercial edge computing technologies and best practices into military mission-critical systems.

**SEC. 5211. DEVELOPMENT AND ACQUISITION STRATEGY TO PROCURE SECURE, LOW PROBABILITY OF DETECTION DATA LINK NETWORK CAPABILITY.**

The text of subsection (c) of section 211 is hereby deemed to read as follows:

“(c) LIMITATION.—Of the funds authorized to be appropriated by this Act for fiscal year 2020 for operation and maintenance for the Office of the Secretary of the Air Force and for operation and maintenance for the Office of the Secretary of the Navy, not more than 50 percent may be obligated or expended until the date that is 15 days after the date on which the Chief of Staff of the Air Force and the Chief of Naval Operations, respectively, submit the development and acquisition strategy required by subsection (a).”

**SEC. 5213. LIMITATION AND REPORT ON INDIRECT FIRE PROTECTION CAPABILITY INCREMENT 2 ENDURING CAPABILITY.**

The text of subsection (a) of section 213 preceding paragraph (1) is hereby deemed to read as follows:

“(a) LIMITATION AND REPORT.—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Army may be obligated or expended for research, development, test, or evaluation for the Indirect Fire Protection Capability Increment 2 enduring capability, and the Department may not otherwise engage in the research, development, test, or evaluation on such capability, until the Secretary of the Army submits to the congressional defense committees a report on the Indirect Fire Protection Capability Increment 2 program that contains the following:”

**TITLE LIII—OPERATION AND MAINTENANCE**

**SEC. 5301. LIFE CYCLE SUSTAINMENT BUDGET EXHIBIT FOR MAJOR WEAPON SYSTEMS OF THE DEPARTMENT OF DEFENSE.**

(a) IN GENERAL.—The Secretary of Defense shall update the Financial Management Reg-

ulation of the Department of Defense to ensure that a PB-60 or similar life cycle sustainment budget exhibit is prepared for each major weapon system of the Department by the Secretary of the military department concerned.

(b) ELEMENTS OF BUDGET EXHIBITS.—The Secretary of Defense shall ensure that each budget exhibit described in subsection (a)—

(1) identifies a goal for material availability, material reliability, and mean down time metrics for each weapons system and includes an explanation of factors that may preclude the Secretary of the military department concerned from meeting that goal; and

(2) reflects the period covered by the future-years defense program specified by section 221 of title 10, United States Code, with respect to the budget for which the budget exhibit is prepared.

(c) INCLUSION IN BUDGET SUBMITTAL.—The Secretary of Defense shall include the budget exhibits required under subsection (a) with the budget request submitted by the President to Congress under section 1105(a) of title 31, United States Code, for fiscal year 2021 and each year thereafter.

**SEC. 5302. SENSE OF SENATE ON PRIORITIZING SURVIVABLE LOGISTICS FOR THE DEPARTMENT OF DEFENSE.**

It is the sense of the Senate that—

(1) resilient and agile logistics are necessary to implement the 2018 National Defense Strategy because it enables the United States to project power and sustain the fight against its strategic competitors in peacetime and during war;

(2) the joint logistics enterprise of the Armed Forces of the United States faces high-end threats from strategic competitors China, Russia, and Iran, all of whom have invested in anti-access area denial capabilities and gray zone tactics;

(3) there are significant logistics shortfalls, as outlined in the November 2018 final report of the Defense Science Board (DSB) Task Force on Survivable Logistics, which, if left unaddressed, would hamper the readiness and ability of the Armed Forces of the United States to conduct operations globally;

(4) since the military departments have not shown a strong commitment to funding logistics, the Secretary of Defense should review the full list of recommendations listed in the report described in paragraph (3) and address the chronic underfunding of logistics relative to other priorities of the Department of Defense.

**SEC. 5303. PLAN ON SUSTAINMENT OF ROUGH TERRAIN CONTAINER HANDLER FLEETS.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Army and the Secretary of the Navy shall—

(1) jointly develop plans for sustainment of their respective RT240 Rough Terrain Container Handler (RTCH) fleets to ensure operational capability of such fleets into the 2030s;

(2) assess available modernization capabilities to enhance joint deployment of such fleets; and

(3) provide a joint briefing to the Committees on Armed Services of the Senate and the House of Representatives on the readiness of such fleets.

**SEC. 5304. REQUIREMENT TO INCLUDE FOREIGN LANGUAGE PROFICIENCY IN READINESS REPORTING SYSTEMS OF DEPARTMENT OF DEFENSE.**

Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of each military department shall include in the Global Readiness and Force Management Enterprise, for the appropriate billets with relevant foreign

language requirements, measures of foreign language proficiency as a mandatory element of unit readiness reporting, to include the Defense Readiness Reporting Systems-Strategic (DRRS-S) and all other subordinate systems that report readiness data.

**SEC. 5305. MONITORING OF NOISE FROM FLIGHTS AND TRAINING OF EA-18G GROWLERS ASSOCIATED WITH NAVAL AIR STATION WHIDBEY ISLAND.**

(a) MONITORING.—

(1) IN GENERAL.—The Secretary of Defense shall provide for real-time monitoring of noise from local flights of EA-18G Growlers associated with Naval Air Station Whidbey Island, including field carrier landing practice at Naval Outlying Field (OLF) Coupeville and Ault Field.

(2) PUBLIC AVAILABILITY.—The Secretary shall publish the results of monitoring conducted under paragraph (1) on a publicly available Internet website of the Department of Defense.

(3) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the progress of monitoring conducted under paragraph (1) and the results of such monitoring.

(b) PLAN FOR ADDITIONAL MONITORING.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan for real-time monitoring described in subsection (a)(1) of noise relating to field carrier landing practice conducted above or adjacent to Olympic National Park, Olympic National Forest, and Ebey's Landing National Historical Reserve.

(2) DEVELOPMENT OF PLAN.—The Secretary shall work with the Director of the National

Park Service and the Chief of the Forest Service in developing the plan under paragraph (1).

(c) FUNDING.—

(1) IN GENERAL.—The amount authorized to be appropriated by this Act for Navy Operation and Maintenance is hereby increased by \$1,000,000 and the amount of such increase shall be made available to carry out this section.

(2) OFFSET.—The amount authorized to be appropriated by this Act for Marine Corps Operation and Maintenance for SAG 4A4G is hereby reduced by \$1,000,000.

**SEC. 5306. SENSE OF CONGRESS ON RESTORATION OF TYNDALL AIR FORCE BASE.**

It is the sense of Congress that the Secretary of the Air Force should—

(1) restore Tyndall Air Force Base to achieve military installation resilience, as defined in section 101(e)(8) of title 10, United States Code; and

(2) use innovative construction methods, materials, designs, and technologies in carrying out such restoration in order to achieve efficiencies, cost savings, resiliency, and capability, which may include—

(A) open architecture design to evolve with the national defense strategy; and

(B) efficient ergonomic enterprise for members of the Air Force in the 21st century.

**SEC. 5318. COOPERATIVE AGREEMENTS WITH STATES TO ADDRESS CONTAMINATION BY PERFLUORALKYL AND POLYFLUOROALKYL SUBSTANCES.**

The text of section 318(a) is hereby deemed to include at the end the following:

“(3) OTHER AUTHORITY.—In addition to the requirements under paragraph (1), when otherwise authorized to expend funds for the purpose of addressing ground or surface water contaminated by a perfluorinated compound, the Secretary of Defense may, to expend those funds, enter into a grant agree-

ment, cooperative agreement, or contract with—

“(A) the local water authority with jurisdiction over the contamination site, including—

“(i) a public water system (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)); and

“(ii) a publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)); or

“(B) a State, local, or Tribal government.”.

**SEC. 5352. LIMITATION ON USE OF FUNDS REGARDING THE BASING OF KC-46A AIRCRAFT OUTSIDE THE CONTINENTAL UNITED STATES.**

The text of subsection (b) of section 352 is hereby deemed to read as follows:

“(b) LIMITATION ON USE OF FUNDS.—Not more than 85 percent of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Air Force for operation and maintenance for the Management Headquarters Program (Program Element 92398F) may be obligated or expended until the Secretary of the Air Force submits the report required by subsection (a) unless the Secretary certifies to Congress that the use of additional funds is mission essential.”.

**TITLE LIV—MILITARY PERSONNEL AUTHORIZATIONS**

**SEC. 5401. MODIFICATION OF AUTHORIZED STRENGTH OF AIR FORCE RESERVE SERVING ON FULL-TIME RESERVE COMPONENT DUTY FOR ADMINISTRATION OF THE RESERVES OR THE NATIONAL GUARD.**

(a) IN GENERAL.—The table in section 12011(a)(1) of title 10, United States Code, is amended by striking the matter relating to the Air Force Reserve and inserting the following new matter:

Air Force Reserve

1,000	166	170	100
1,500	245	251	143
2,000	322	330	182
2,500	396	406	216
3,000	467	479	246
3,500	536	550	271
4,000	602	618	292
4,500	665	683	308
5,000	726	746	320
5,500	784	806	325
6,000	840	864	327
7,000	962	990	347
8,000	1,087	1,110	356
10,000	1,322	1,362	395

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2019, and shall apply with respect to fiscal years beginning on or after that date.

**TITLE LV—MILITARY PERSONNEL POLICY**  
**SEC. 5501. ANNUAL STATE REPORT CARD.**

Section 1111(h)(1)(C)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(h)(1)(C)(ii)) is amended by striking “on active duty (as defined in section 101(d)(5) of such title)”.

**SEC. 5502. INFORMATION AND OPPORTUNITIES FOR REGISTRATION FOR VOTING AND ABSENTEE BALLOT REQUESTS FOR MEMBERS OF THE ARMED FORCES UNDERGOING DEPLOYMENT OVERSEAS.**

(a) IN GENERAL.—Not later than 45 days prior to a general election for Federal office, a member of the Armed Forces shall be provided with the following:

(1) A Federal write-in absentee ballot prescribed pursuant to section 103 of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20303), together with instructions on the appropriate use of the ballot with respect to the State in which the member is registered to vote.

(2) In the case of a member intending to vote in a State that does not accept the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections, a briefing on, and an opportunity to fill out, the official post card form for absentee voter registration application and absentee ballot application prescribed under section 101(b)(2) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301(b)(2)).

(b) PERSONNEL RESPONSIBLE OF DISCHARGE.—Ballots and instructions pursuant to paragraph (1) of subsection (a), and briefings and forms pursuant to paragraph (2) of such subsection, shall be provided by Voting Assistance Officers or such other personnel as the Secretary of the military department concerned shall designate.

(c) SENSE OF CONGRESS RELATING TO THE USE OF THE FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Servicemembers serving abroad are subject to disproportionate challenges in voting.

(B) As of May, 2019, only 28 States allow servicemembers to use the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections.

(2) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) Federal and State governments should remove all obstacles that would inhibit deployed servicemembers from voting; and

(B) States that do not allow servicemembers to use the Federal write-in absentee ballot as a simultaneous application and acceptable ballot for Federal elections should modify their laws to permit such use.

**SEC. 5503. STUDY ON TWO-WAY MILITARY BALLOT BARCODE TRACKING.**

(a) **STUDY.**—The Director of the Federal Voting Assistance Program of the Department of Defense shall conduct a study on the feasibility of a pilot program providing full ballot tracking of overseas military absentee ballots through the mail stream in a manner that is similar to the 2016 Military Ballot Tracking Pilot Program conducted by the Federal Voting Assistance Program.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director of the Federal Voting Assistance Program shall submit to Congress a report on the results of the study conducted under subsection (a). Such report shall include—

(1) an estimate of the costs and requirements needed to conduct the pilot program described in subsection (a);

(2) a description of organizations that would provide substantial support for such a pilot program; and

(3) a time line for the phased implementation of the pilot program to all military personnel actively serving overseas.

**SEC. 5504. SENSE OF SENATE ON THE HONORABLE AND DISTINGUISHED SERVICE OF GENERAL JOSEPH F. DUNFORD, UNITED STATES MARINE CORPS, TO THE UNITED STATES.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) General Joseph F. Dunford was commissioned as a second lieutenant in the United States Marine Corps in 1977.

(2) Since 1977, General Dunford has served as an infantry officer at all levels and has held numerous leadership roles, including Commander of the 5th Marine Regiment during Operation IRAQI FREEDOM, Commander of the International Security Assistance Force and United States Forces-Afghanistan, and Commander, Marine Forces United States Central Command.

(3) General Dunford served as the 32nd Assistant Commandant of the Marine Corps from October 23, 2010, to December 15, 2012.

(4) General Dunford subsequently served as the 36th Commandant of the Marine Corps from October 17, 2014, to September 24, 2015.

(5) General Dunford became the highest-ranking military officer in the United States when he was appointed as the 19th Chairman of the Joint Chiefs of Staff on October 1, 2015.

(6) General Dunford is only the second United States Marine to hold the position of Chairman of the Joint Chiefs of Staff.

(7) During his nearly four years as Chairman of the Joint Chiefs of Staff, General Dunford effectively and honorably executed the duties of the office to the highest degree.

(8) General Dunford has an extensive record of impeccable service to the United States.

(b) **SENSE OF SENATE.**—It is the sense of the Senate that—

(1) the United States deeply appreciates the decades of honorable service of General Joseph F. Dunford; and

(2) the indispensable leadership of General Dunford and his dedication to the men and women of the Armed Forces demonstrates the finest example of service to the United States.

**SEC. 5505. PARTICIPATION OF OTHER FEDERAL AGENCIES IN THE SKILLBRIDGE APPRENTICESHIP AND INTERNSHIP PROGRAM FOR MEMBERS OF THE ARMED FORCES.**

Section 1143(e) of title 10, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following new paragraph (3):

“(3) Any program under this subsection may be carried out at, through, or in con-

sultation with such other departments or agencies of the Federal Government as the Secretary of the military department concerned considers appropriate.”.

**SEC. 5506. PERSONNEL TEMPO OF THE ARMED FORCES AND THE UNITED STATES SPECIAL OPERATIONS COMMAND DURING PERIODS OF INAPPLICABILITY OF HIGH-DEPLOYMENT LIMITATIONS.**

(a) **IN GENERAL.**—Section 991(d) of title 10, United States Code, is amended—

(1) by inserting “(1)” before “The Secretary”; and

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

“(2)(A) Whenever a waiver is in effect under paragraph (1), the member or group of members covered by the waiver shall be subject to specific and measurable deployment thresholds established and maintained for purposes of this subsection.

“(B) Thresholds under this paragraph may be applicable—

“(i) uniformly, Department of Defense-wide; or

“(ii) separately, with respect to each armed force and the United States Special Operations Command.

“(C) If thresholds under this paragraph are applicable Department-wide, such thresholds shall be established and maintained by the Under Secretary of Defense for Personnel and Readiness. If such thresholds are applicable only to a separate armed force or the United States Special Operations Command, such thresholds shall be established and maintained by the Secretary of the Army, the Secretary of the Navy (other than with respect to the Marine Corps), the Secretary of the Air Force, the Commandant of the Marine Corps (with respect to the Marine Corps), and the Commander of the United States Special Operations Command, as applicable.

“(D) In undertaking recordkeeping for purposes of subsection (c), the Under Secretary shall, in conjunction with the other officials and officers referred to in subparagraph (C), collect complete and reliable personnel tempo data of members described in subparagraph (A) in order to ensure that the Department, the armed forces, and the United States Special Operations Command fully and completely monitor personnel tempo under a waiver under paragraph (1) and its impact on the armed forces.”.

(b) **DEADLINE FOR IMPLEMENTATION.**—Paragraph (2) of section 991(d) of title 10, United States Code, as added by subsection (a), shall be fully implemented by not later than March 1, 2020.

**SEC. 5507. REPORT AND BRIEFING ON THE SENIOR RESERVE OFFICERS' TRAINING CORPS.**

(a) **REPORT ON VARIOUS EXPANSIONS OF THE CORPS.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the following:

(1) An assessment of the feasibility and advisability of distance learning programs for the Senior Reserve Officers' Training Corps for students at educational institutions who reside outside the viable range for a cross-town program.

(2) An assessment of the feasibility and advisability of expanding the eligibility of institutions authorized to maintain a unit of the Senior Reserve Officers' Training Corps to include community colleges.

(b) **BRIEFING ON LONG-TERM EFFECTS ON THE CORPS OF THE OPERATION OF CERTAIN RECENT PROHIBITIONS.**—

(1) **BRIEFING REQUIRED.**—Not later than 180 days after the date of the enactment of this

Act, the Secretary of Defense shall brief the congressional defense committees on the effects of the prohibitions in section 8032 of the Department of Defense Appropriations Act, 2019 (division A of Public Law 115-245) on the long-term viability of the Senior Reserve Officers' Training Corps (SROTC).

(2) **ELEMENTS.**—The matters addressed by the briefing under paragraph (1) shall include an assessment of The effects of the prohibitions described in paragraph (1) on the following:

(A) Readiness.

(B) The efficient manning and administration of Senior Reserve Officers' Training Corps units.

(C) The ability of the Armed Forces to commission on a yearly basis the number and quality of new officers they need and that are representative of the nation as a whole.

(D) The availability of Senior Reserve Officers' Training Corps scholarships in rural areas.

(E) Whether the Senior Reserve Officers' Training Corps program produces officers representative of the demographic and geographic diversity of the United States, especially with respect to urban areas, and whether restrictions on establishing or disestablishing units of the Corps affects the diversity of the officer corps of the Armed Forces.

**SEC. 5508. REPORT ON SUICIDE PREVENTION PROGRAMS AND ACTIVITIES FOR MEMBERS OF THE ARMED FORCES AND THEIR FAMILIES.**

(a) **REPORT REQUIRED.**—Not later than 240 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the programs and activities of the Department of Defense and the Armed Forces for the prevention of suicide among members of the Armed Forces (including the reserve components) and their families.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) A description of the current programs and activities of the Department and the Armed Forces for the prevention of suicide among members of the Armed Forces and their families.

(2) An assessment whether the programs and activities described pursuant to paragraph (1)—

(A) are evidence-based and incorporate best practices identified in peer-reviewed medical literature;

(B) are appropriately resourced; and

(C) deliver outcomes that are appropriate relative to peer activities and programs (including those undertaken in the civilian community and in military forces of other countries).

(3) A description and assessment of any impediments to the effectiveness of such programs and activities.

(4) Such recommendations as the Comptroller General considers appropriate for improvements to such programs and activities.

(5) Such recommendations as the Comptroller General considers appropriate for additional programs and activities for the prevention of suicide among members of the Armed Forces and their families.

**SEC. 5509. SENSE OF CONGRESS ON LOCAL PERFORMANCE OF MILITARY ACCESSION PHYSICALS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) The United States Military Entrance Processing Command (USMEPCOM) consists of 65 Military Entrance Processing Stations (MEPS) dispersed throughout the contiguous United States, Alaska, Hawaii, and Puerto Rico.

(2) Applicants who must travel to the closest Processing Station are often driven by their military recruiter and receive free lodging at a nearby hotel paid by the Armed Force concerned.

(3) In fiscal year 2015, the United States Military Entrance Processing Command processed 473,000 applicants at its Processing Stations, with an aggregate total of 931,000 applicant visits to such Processing Stations in that fiscal year.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) permitting military accession physicals in local communities would allow recruiters to focus on their core recruiting mission; and

(2) the conduct of military accession physicals in local communities would permit the United States Military Entrance Processing Command to reduce costly and inefficient return visits by applicants to Military Entrance Processing Stations and increase efficiency in its processing times.

**SEC. 5510. PERMANENT AUTHORITY TO DEFER PAST AGE 64 THE RETIREMENT OF CHAPLAINS IN GENERAL AND FLAG OFFICER GRADES.**

Section 1253(c) of title 10, United States Code, is amended by striking paragraph (3).

**SEC. 5546. BOARDS FOR CORRECTION OF MILITARY RECORDS AND DISCHARGE REVIEW BOARD MATTERS.**

Part III of subtitle D of title V, and the amendments made by that part, shall have no force or effect.

**SEC. 5585. AUTHORIZATION FOR AWARD OF THE MEDAL OF HONOR TO JOHN J. DUFFY FOR ACTS OF VALOR IN VIETNAM.**

Section 585 shall have no force or effect.

**SEC. 5587. AUTHORITY TO AWARD OR PRESENT A DECORATION NOT PREVIOUSLY RECOMMENDED IN A TIMELY FASHION FOLLOWING A REVIEW REQUESTED BY CONGRESS.**

Section 587, and the amendments made by that section, shall have no force or effect.

**TITLE LVI—COMPENSATION AND OTHER PERSONNEL BENEFITS**

**SEC. 5601. INCLUSION OF CERTAIN VETERANS ON TEMPORARY DISABILITY OR PERMANENT DISABLED RETIREMENT LISTS IN MILITARY ADAPTIVE SPORTS PROGRAMS.**

(a) INCLUSION OF CERTAIN VETERANS.—Subsection (a)(1) of section 2564a of title 10, United States Code, is amended by striking “for members of the armed forces who” and all that follows through the period at the end and inserting the following: “for—

“(A) any member of the armed forces who is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(B) any veteran (as defined in section 101 of title 38), during the one-year period following the veteran’s date of separation, who—

“(i) is on the Temporary Disability Retirement List or Permanently Disabled Retirement List; or

“(ii) is eligible to participate in adaptive sports because of an injury, illness, or wound incurred in the line of duty in the armed forces; and

“(iii) was enrolled in the program authorized under this section prior to the veteran’s date of separation.”

(b) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by inserting “and veterans” after “members”.

(c) CLERICAL AMENDMENTS.—

(1) HEADING AMENDMENT.—The heading of such section is amended to read as follows:

**“§ 2564a. Provision of assistance for adaptive sports programs: members of the armed forces; certain veterans”.**

(2) TABLE OF SECTION.—The table of sections at the beginning of chapter 152 of such title is amended by striking the item relating to section 2564a and inserting the following new item:

“2564a. Provision of assistance for adaptive sports programs: members of the armed forces; certain veterans.”

**SEC. 5602. REPORT ON EXTENSION TO MEMBERS OF THE RESERVE COMPONENTS OF THE ARMED FORCES OF SPECIAL AND INCENTIVE PAYS FOR MEMBERS OF THE ARMED FORCES NOT CURRENTLY PAYABLE TO MEMBERS OF THE RESERVE COMPONENTS.**

(a) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report setting forth the results of a study, conducted by the Secretary for purposes of the report, on the feasibility and advisability of paying eligible members of the reserve components of the Armed Forces any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components.

(b) ELEMENTS.—The report required by subsection (a) shall set forth the following:

(1) An estimate of the yearly cost of paying members of the reserve components risk pay and flight pay under sections 334, 334a, and 351 of title 37, United States Code, at the same rate as members on active duty, regardless of number of periods of instruction or appropriate duty participated in, so long as there is at least one such period of instruction or appropriate duty in the month.

(2) A statement of the number of members of the reserve components who qualify or potentially qualify for hazardous duty incentive pay based on current professions or required duties, broken out by hazardous duty categories set forth in section 351 of title 37, United States Code.

(3) If the Secretary determines that payment to eligible members of the reserve components of any special or incentive pay for members of the Armed Forces that is not currently payable to members of the reserve components is feasible and advisable, such recommendations as the Secretary considers appropriate for legislative or administrative action to authorize such payment.

**SEC. 5642. TREATMENT OF FEES OF SERVICE PROVIDED AS SUPPLEMENTAL FUNDS FOR COMMISSARY OPERATIONS.**

Section 642, and the amendment made by that section, shall have no force or effect.

**TITLE LVII—HEALTH CARE PROVISIONS**

**SEC. 5701. CONTRACEPTIVE PARITY UNDER THE TRICARE PROGRAM.**

The text of subsection (c) of section 701 is hereby deemed to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2030.”

**SEC. 5702. EXPOSURE TO OPEN BURN PITS AND TOXIC AIRBORNE CHEMICALS AS PART OF PERIODIC HEALTH ASSESSMENTS AND OTHER PHYSICAL EXAMINATIONS.**

(a) PERIODIC HEALTH ASSESSMENT.—The Secretary of Defense shall ensure that any periodic health assessment provided to members of the Armed Forces includes an evaluation of whether the member has been—

(1) based or stationed at a location where an open burn pit was used; or

(2) exposed to toxic airborne chemicals, including any information recorded as part of the Airborne Hazards and Open Burn Pit Registry.

(b) SEPARATION HISTORY AND PHYSICAL EXAMINATIONS.—Section 1145(a)(5) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(C) The Secretary concerned shall ensure that each physical examination of a member under subparagraph (A) includes an assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”

(c) DEPLOYMENT ASSESSMENTS.—Section 1074f(b)(2) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

“(D) An assessment of whether the member was—

“(i) based or stationed at a location where an open burn pit, as defined in subsection (c) of section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note), was used; or

“(ii) exposed to toxic airborne chemicals, including any information recorded as part of the registry established by the Secretary of Veterans Affairs under such section 201.”

(d) SHARING OF INFORMATION.—

(1) DOD–VA.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly enter into a memorandum of understanding providing for the sharing by the Department of Defense with the Department of Veterans Affairs of the results of covered evaluations regarding the exposure by a member of the Armed Forces to toxic airborne chemicals.

(2) REGISTRY.—If a covered evaluation of a member of the Armed Forces establishes that the member was based or stationed at a location where an open burn pit was used, or the member was exposed to toxic airborne chemicals, the member shall be enrolled in the Airborne Hazards and Open Burn Pit Registry, unless the member elects to not so enroll.

(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to preclude eligibility for benefits under the laws administered by the Secretary of Veterans Affairs by reason of the open burn pit exposure history of a veteran not being recorded in a covered evaluation.

(f) DEFINITIONS.—In this section:

(1) The term “Airborne Hazards and Open Burn Pit Registry” means the registry established by the Secretary of Veterans Affairs under section 201 of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).

(2) The term “covered evaluation” means—

(A) a periodic health assessment conducted in accordance with subsection (a);

(B) a separation history and physical examination conducted under section 1145(a)(5) of title 10, United States Code, as amended by this section; and

(C) a deployment assessment conducted under section 1074f(b)(2) of such title, as amended by this section.

(3) The term “open burn pit” has the meaning given that term in section 201(c) of the Dignified Burial and Other Veterans’ Benefits Improvement Act of 2012 (Public Law 112–260; 38 U.S.C. 527 note).



**SEC. 5703. PRESERVATION OF RESOURCES OF THE ARMY MEDICAL RESEARCH AND MATERIEL COMMAND AND TREATMENT OF REALIGNMENT OF SUCH COMMAND.**

(a) IN GENERAL.—The Secretary of Defense shall preserve the resources of the Army Medical Research and Materiel Command for use by such command, which shall include manpower and funding, as such command realigns with the Army Futures Command in 2019 and the Defense Health Agency in 2020.

(b) TRANSFER OF FUNDS.—Upon completion of the realignment described in subsection (a), all amounts available for the Army Medical Research and Materiel Command, at the baseline for such amounts for fiscal year 2019, shall be transferred from accounts for research, development, test, and evaluation for the Army to accounts for the Defense Health Program.

(c) CONTINUATION AS CENTER OF EXCELLENCE.—After completion of the realignment described in subsection (a), the Army Medical Research and Materiel Command and Fort Detrick shall continue to serve as a Center of Excellence for Joint Biomedical Research, Development and Acquisition Management for efforts undertaken under the Defense Health Program.

**TITLE LVIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS**

**SEC. 5801. REPORT ON CONTRACTS WITH ENTITIES AFFILIATED WITH THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA OR THE CHINESE COMMUNIST PARTY.**

Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a report describing all Department of Defense contracts with companies or business entities that are owned or operated by, or affiliated with, the Government of the People's Republic of China or the Chinese Communist Party.

**SEC. 5802. DOCUMENTATION OF MARKET RESEARCH RELATED TO COMMERCIAL ITEM DETERMINATIONS.**

Section 3307(d) of title 41, United States Code, is amended by adding at the end the following new paragraph:

“(4) Agencies shall document the results of market research in a manner appropriate to the size and complexity of the acquisition.”.

**SEC. 5803. ANALYSIS OF ALTERNATIVES PURSUANT TO MATERIEL DEVELOPMENT DECISIONS.**

(a) TIMELINE.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall update existing guidance for analyses of alternatives conducted pursuant to a materiel development decision for a major defense acquisition program to incorporate the following:

(1) Study completion within nine months.

(2) Study guidance issued by the Director, Cost Assessment and Program Evaluation of a scope designed to provide for reasonable completion of the study within the nine-month period.

(3) Procedures for waiver of the timeline requirements of this subsection on a case-by-case basis if—

(A) the subject of the analysis is of extreme technical complexity;

(B) collection of additional intelligence is required to inform the analysis;

(C) insufficient technical expertise is available to complete the analysis; or

(D) the Secretary determines that there other sufficient reasons for delay of the analysis.

(b) REPORTING.—If an analysis of alternatives cannot be completed within the allotted time, or a waiver is used, the Secretary shall report to the congressional defense committees the following information:

(1) For a waiver, the basis for use of the waivers, including the reasons why the study cannot be completed within the allotted time.

(2) For a study estimated to take more than nine months—

(A) an estimate of when the analysis will be completed;

(B) an estimate of any additional costs to complete the analysis; and

(C) other relevant information pertaining to the analysis and its completion.

**TITLE LIX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT**

**SEC. 5901. INSTITUTIONALIZATION WITHIN DEPARTMENT OF DEFENSE OF RESPONSIBILITIES AND AUTHORITIES OF THE CHIEF MANAGEMENT OFFICER.**

(a) MANNER OF DIRECTION OF BUSINESS-RELATED ACTIVITIES OF MILITARY DEPARTMENTS.—The Secretary of Defense shall determine the manner in which the Chief Management Officer directs the business-related activities of the military departments.

(b) RESPONSIBILITY FOR DEFENSE AGENCIES AND FIELD ACTIVITIES.—The Secretary shall determine the responsibilities and authorities, if any, of the Chief Management Officer for the Defense Agencies and the Department of Defense Field Activities, including a determination as to the following:

(1) Whether one or more additional Defense Agencies, Department of Defense Field Activities, or both should provide shared business services.

(2) Which Defense Agencies, Department of Defense Field Activities, or both should be required to submit their proposed budgets for enterprise business operations to the Chief Management Officer for review.

(c) ASSIGNMENT OF RESPONSIBILITIES AND AUTHORITIES.—The Secretary shall, in light of determinations under subsections (a) and (b), assign the responsibilities and authorities of the Chief Management Officer (whether specified in statute or otherwise), and the manner of the discharge of such responsibilities and authorities, applicable Department-wide, as appropriate.

(d) PLAN OF ACTION REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall submit to the congressional defense committees a plan, including a timeline, for carrying out the requirements of this section.

**SEC. 5902. ALLOCATION OF FORMER RESPONSIBILITIES OF THE UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS.**

(a) TITLE 10, UNITED STATES CODE.—Title 10, United States Code, is amended as follows:

(1) In section 129a(c)(3), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(2) In section 134(c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”.

(3) In section 139—

(A) in subsection (b)—

(i) in the matter preceding paragraph (1), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “, the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in paragraph (2), by striking “and the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “, the Under Secretary of Defense for Research

and Engineering, the Under Secretary of Defense for Acquisition and Sustainment.”;

(B) in subsection (c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment.”; and

(C) in subsection (h)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”.

(4) In section 139a(d)(6), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment.”.

(5) In section 171(a)—

(A) by striking paragraphs (3) and (8);

(B) by redesignating paragraphs (4), (5), (6), (7), (9), (10), (11), (12), and (13) as paragraphs (5), (6), (7), (8), (11), (12), (13), (14), and (15), respectively;

(C) by inserting after paragraph (2) the following new paragraphs:

“(3) the Under Secretary of Defense for Research and Engineering;

“(4) the Under Secretary of Defense for Acquisition and Sustainment.”; and

(D) by inserting after paragraph (8), as redesignated by subparagraph (B), the following new paragraphs:

“(9) the Deputy Under Secretary of Defense for Research and Engineering;

“(10) the Deputy Under Secretary of Defense for Acquisition and Sustainment.”.

(6) In section 181(d)(1)—

(A) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively;

(B) by striking subparagraph (C); and

(C) by inserting after subparagraph (B) the following new subparagraphs:

“(C) The Under Secretary of Defense for Research and Engineering.

“(D) The Under Secretary of Defense for Acquisition and Sustainment.”.

(7) In section 393(b)(2)—

(A) by redesignating subparagraphs (C) through (E) as subparagraphs (D) through (F), respectively;

(B) by striking subparagraph (B); and

(C) by inserting after subparagraph (A) the following new subparagraphs:

“(B) The Under Secretary of Defense for Research and Engineering.

“(C) The Under Secretary of Defense for Acquisition and Sustainment.”.

(8)(A) In section 1702—

(i) by striking the heading and inserting the following:

**“§ 1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities”; and**

(ii) in the text, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) The table of sections at the beginning of subchapter I of chapter 87 is amended by striking the item relating to section 1702 and inserting the following new item:

“1702. Under Secretary of Defense for Acquisition and Sustainment: authorities and responsibilities.”.

(9) In section 1705, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(10) In section 1722, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(11) In section 1722a, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(12) In section 1722b(a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(13) In section 1723, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(14) In section 1725(e)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(15) In section 1735(c)(1), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(16) In section 1737(c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(17) In section 1741(b), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(18) In section 1746(a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(19) In section 1748, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(20) In section 2222, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(21) In section 2272, by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering”.

(22) In section 2275(a), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(23) In section 2279(d), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(24) In section 2279b—

(A) in subsection (b)—

(i) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively;

(ii) by striking paragraph (2); and

(iii) by inserting after paragraph (1) the following new paragraphs:

“(2) The Under Secretary of Defense for Research and Engineering.

“(3) The Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (c) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary

of Defense for Acquisition and Sustainment.”

(25) In section 2304, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(26) In section 2306b(i)(7), by striking “of Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “of Under Secretary of Defense for Acquisition and Sustainment”.

(27) In section 2311(c), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(28) In section 2326(g), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(29) In section 2330, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(30) In section 2334, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”.

(31) In section 2350a(b)(2), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering, and the Under Secretary of Defense for Acquisition and Sustainment”.

(32) In section 2359(b), by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The Under Secretary of Defense for Research and Engineering.”.

(33) In section 2359b, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Research and Engineering”.

(34) In section 2365(d)(3)(A), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(35) In section 2375, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(36) In section 2399(b)(3)—

(A) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”; and

(B) by striking “and Under Secretary” and inserting “and the Under Secretaries”.

(37) In section 2419(a)(1), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(38) In section 2431a(b), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(39) In section 2435, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(40) In section 2438(b), by striking “the Under Secretary of Defense for Acquisition, Technology and Logistics” each place it ap-

pears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(41) In section 2503(b)—

(A) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment”; and

(B) by striking “the Under Secretary shall” and inserting “the Under Secretaries shall”.

(42) In section 2508(b), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, acting through the Deputy Assistant Secretary of Defense for Manufacturing and Industrial Base Policy” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(43) In section 2521, by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Research and Engineering”.

(44) In section 2533b(k)(2)(A), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(45) In section 2546—

(A) in the heading of subsection (a), by striking “UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS” and inserting “UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND SUSTAINMENT”; and

(B) by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(46) In section 2548, by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(47) In section 2902(b)—

(A) by striking paragraph (1) and inserting the following new paragraph (1):

“(1) The official within the Office of the Under Secretary of Defense for Research and Engineering who is responsible for science and technology.”;

(B) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

(C) by striking paragraph (3); and

(D) by inserting after paragraph (2) the following new paragraphs:

“(3) The official within the Office of the Under Secretary of Defense for Research and Engineering who is responsible for environmental security.

“(4) The official within the Office of the Under Secretary of Defense for Acquisition and Sustainment who is responsible for environmental security.”.

(48) In section 2926(e)(5)(D), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(b) NATIONAL DEFENSE AUTHORIZATION ACTS.—

(1) PUBLIC LAW 115-232.—Section 338 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1728) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(2) PUBLIC LAW 115-91.—Section 136(a)(1) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 131 Stat. 1317) is amended by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the

Under Secretary of Defense for Acquisition and Sustainment”.

(3) PUBLIC LAW 114-328.—The National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328) is amended as follows:

(A) In section 829(b) (10 U.S.C. 2306 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 874(b)(1) (10 U.S.C. 2375 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 875 (10 U.S.C. 2305 note)—

(i) in subsections (b), (c), (e), and (f), by striking “Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in subsection (d), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Research and Engineering”.

(D) In section 898(a)(2)(A) (10 U.S.C. 2302 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(E) In section 1652(a) (130 Stat. 2609), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(F) In section 1689(d) (130 Stat. 2631), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Research and Engineering”.

(4) PUBLIC LAW 114-92.—The National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92) is amended as follows:

(A) In section 131 (129 Stat. 754), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 856(a)(2)(B) (10 U.S.C. 2377 note), by striking “the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Office of the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 1111(b)(1) (10 U.S.C. 1701 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(D) In section 1675(a) (129 Stat. 1131), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Research and Engineering”.

(5) PUBLIC LAW 113-291.—Section 852 of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (10 U.S.C. 2302 note) is amended by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(6) PUBLIC LAW 112-239.—Section 157(c) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 126 Stat. 1668) is amended by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(7) PUBLIC LAW 112-81.—The National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) is amended as follows:

(A) In section 144 (125 Stat. 1325)—

(i) in subsection (a), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”; and

(ii) in subsection (b)(4), by striking “the Assistant Secretary of Defense for Research and Engineering” and inserting “the Under Secretary of Defense for Research and Engineering”.

(B) In section 836(a)(2) (22 U.S.C. 2767 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics, the Assistant Secretary of Defense for Research and Engineering,” and inserting “the Under Secretary of Defense for Research and Engineering, the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 838(2)(B) (125 Stat. 1509), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(8) PUBLIC LAW 111-383.—Section 882(b) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (10 U.S.C. 2222 note) is amended by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(9) PUBLIC LAW 110-417.—Section 814 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4528) is amended—

(A) in subsection (b)(2)—

(i) by redesignating subparagraphs (B) through (H) as subparagraphs (C) through (I), respectively;

(ii) by striking subparagraph (A); and

(iii) by inserting before subparagraph (C), as redesignated by clause (i), the following new subparagraphs:

“(A) The Office of the Under Secretary of Defense for Research and Engineering.

“(B) The Office of the Under Secretary of Defense for Acquisition and Sustainment.”; and

(B) in subsection (c)(5), in the flush matter following subparagraph (B), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics certifies to the congressional defense committees, and includes” and inserting “the Under Secretary of Defense for Research and Engineering and the Under Secretary of Defense for Acquisition and Sustainment jointly certify to the congressional defense committees, and include”.

(10) PUBLIC LAW 110-181.—The National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181) is amended as follows:

(A) In section 231(a) (10 U.S.C. 1701 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(B) In section 802(a)(3)(C) (10 U.S.C. 2410p note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(C) In section 821(a) (10 U.S.C. 2304 note), by striking “The Under Secretary of Defense for Acquisition, Technology, and Logistics” and inserting “The Under Secretary of Defense for Acquisition and Sustainment”.

(D) In section 2864 (10 U.S.C. 2911 note), by striking “the Under Secretary of Defense for Acquisition, Technology, and Logistics” each place it appears and inserting “the Under Secretary of Defense for Acquisition and Sustainment”.

(E) RECOMMENDATIONS FOR LEGISLATIVE ACTION.—Not later than 14 days after the President submits to Congress the budget for fis-

cal year 2021 pursuant to section 1105 of title 31, United States Code, the Under Secretary of Defense (Comptroller) shall submit to the congressional defense committees such recommendations for legislative action as the Under Secretary considers appropriate to implement the recommendations of the report required by section 901 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232; 132 Stat. 1920).

## TITLE LX—GENERAL MATTERS

### SEC. 6001. UTILIZING SIGNIFICANT EMISSIONS WITH INNOVATIVE TECHNOLOGIES.

(a) SHORT TITLE.—This section may be cited as the “Utilizing Significant Emissions with Innovative Technologies Act” or the “USE IT Act”.

(b) RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES.—Section 103 of the Clean Air Act (42 U.S.C. 7403) is amended—

(1) in subsection (c)(3), in the first sentence of the matter preceding subparagraph (A), by striking “precursors” and inserting “precursors”; and

(2) in subsection (g)—

(A) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D), respectively, and indenting appropriately;

(B) in the undesignated matter following subparagraph (D) (as so redesignated)—

(i) in the second sentence, by striking “The Administrator” and inserting the following:

“(5) COORDINATION AND AVOIDANCE OF DUPLICATION.—The Administrator”; and

(ii) in the first sentence, by striking “Nothing” and inserting the following:

“(4) EFFECT OF SUBSECTION.—Nothing”;

(C) in the matter preceding subparagraph (A) (as so redesignated)—

(i) in the third sentence, by striking “Such program” and inserting the following:

“(3) PROGRAM INCLUSIONS.—The program under this subsection”;

(ii) in the second sentence—

(I) by inserting “States, institutions of higher education,” after “scientists,”; and

(II) by striking “Such strategies and technologies shall be developed” and inserting the following:

“(2) PARTICIPATION REQUIREMENT.—Such strategies and technologies described in paragraph (1) shall be developed”; and

(iii) in the first sentence, by striking “In carrying out” and inserting the following:

“(1) IN GENERAL.—In carrying out”; and

(D) by adding at the end the following:

“(6) CERTAIN CARBON DIOXIDE ACTIVITIES.—

“(A) IN GENERAL.—In carrying out paragraph (3)(A) with respect to carbon dioxide, the Administrator shall carry out the activities described in each of subparagraphs (B), (C), (D), and (E).

“(B) DIRECT AIR CAPTURE RESEARCH.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) BOARD.—The term ‘Board’ means the Direct Air Capture Technology Advisory Board established by clause (iii)(I).

“(II) DILUTE.—The term ‘dilute’ means a concentration of less than 1 percent by volume.

“(III) DIRECT AIR CAPTURE.—

“(aa) IN GENERAL.—The term ‘direct air capture’, with respect to a facility, technology, or system, means that the facility, technology, or system uses carbon capture equipment to capture carbon dioxide directly from the air.

“(bb) EXCLUSION.—The term ‘direct air capture’ does not include any facility, technology, or system that captures carbon dioxide—

“(AA) that is deliberately released from a naturally occurring subsurface spring; or

“(BB) using natural photosynthesis.

“(IV) INTELLECTUAL PROPERTY.—The term ‘intellectual property’ means—

“(aa) an invention that is patentable under title 35, United States Code; and

“(bb) any patent on an invention described in item (aa).

“(ii) TECHNOLOGY PRIZES.—

“(I) IN GENERAL.—Not later than 1 year after the date of enactment of the USE IT Act, the Administrator, in consultation with the Secretary of Energy, shall establish a program to provide, and shall provide, financial awards on a competitive basis for direct air capture from media in which the concentration of carbon dioxide is dilute.

“(II) DUTIES.—In carrying out this clause, the Administrator shall—

“(aa) subject to subclause (III), develop specific requirements for—

“(AA) the competition process; and

“(BB) the demonstration of performance of approved projects;

“(bb) offer financial awards for a project designed—

“(AA) to the maximum extent practicable, to capture more than 10,000 tons of carbon dioxide per year; and

“(BB) to operate in a manner that would be commercially viable in the foreseeable future (as determined by the Board); and

“(cc) to the maximum extent practicable, make financial awards to geographically diverse projects, including at least—

“(AA) 1 project in a coastal State; and

“(BB) 1 project in a rural State.

“(III) PUBLIC PARTICIPATION.—In carrying out subclause (II)(aa), the Administrator shall—

“(aa) provide notice of and, for a period of not less than 60 days, an opportunity for public comment on, any draft or proposed version of the requirements described in subclause (II)(aa); and

“(bb) take into account public comments received in developing the final version of those requirements.

“(iii) DIRECT AIR CAPTURE TECHNOLOGY ADVISORY BOARD.—

“(I) ESTABLISHMENT.—There is established an advisory board to be known as the ‘Direct Air Capture Technology Advisory Board’.

“(II) COMPOSITION.—The Board shall be composed of 9 members appointed by the Administrator, who shall provide expertise in—

“(aa) climate science;

“(bb) physics;

“(cc) chemistry;

“(dd) biology;

“(ee) engineering;

“(ff) economics;

“(gg) business management; and

“(hh) such other disciplines as the Administrator determines to be necessary to achieve the purposes of this subparagraph.

“(III) TERM; VACANCIES.—

“(aa) TERM.—A member of the Board shall serve for a term of 6 years.

“(bb) VACANCIES.—A vacancy on the Board—

“(AA) shall not affect the powers of the Board; and

“(BB) shall be filled in the same manner as the original appointment was made.

“(IV) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Board have been appointed, the Board shall hold the initial meeting of the Board.

“(V) MEETINGS.—The Board shall meet at the call of the Chairperson or on the request of the Administrator.

“(VI) QUORUM.—A majority of the members of the Board shall constitute a quorum, but a lesser number of members may hold hearings.

“(VII) CHAIRPERSON AND VICE CHAIRPERSON.—The Board shall select a Chairperson and Vice Chairperson from among the members of the Board.

“(VIII) COMPENSATION.—Each member of the Board may be compensated at not to ex-

ceed the daily equivalent of the annual rate of basic pay in effect for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code, for each day during which the member is engaged in the actual performance of the duties of the Board.

“(IX) DUTIES.—The Board shall advise the Administrator on carrying out the duties of the Administrator under this subparagraph.

“(X) FACILITY.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Board.

“(iv) INTELLECTUAL PROPERTY.—

“(I) IN GENERAL.—As a condition of receiving a financial award under this subparagraph, an applicant shall agree to vest the intellectual property of the applicant derived from the technology in 1 or more entities that are incorporated in the United States.

“(II) RESERVATION OF LICENSE.—The United States—

“(aa) may reserve a nonexclusive, non-transferable, irrevocable, paid-up license, to have practiced for or on behalf of the United States, in connection with any intellectual property described in subclause (I); but

“(bb) shall not, in the exercise of a license reserved under item (aa), publicly disclose proprietary information relating to the license.

“(III) TRANSFER OF TITLE.—Title to any intellectual property described in subclause (I) shall not be transferred or passed, except to an entity that is incorporated in the United States, until the expiration of the first patent obtained in connection with the intellectual property.

“(v) AUTHORIZATION OF APPROPRIATIONS.—

“(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, \$35,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

“(vi) TERMINATION OF AUTHORITY.—The Board and all authority provided under this subparagraph shall terminate not later than 10 years after the date of enactment of the USE IT Act.

“(C) CARBON DIOXIDE UTILIZATION RESEARCH.—

“(i) DEFINITION OF CARBON DIOXIDE UTILIZATION.—In this subparagraph, the term ‘carbon dioxide utilization’ refers to technologies or approaches that lead to the use of carbon dioxide—

“(I) through the fixation of carbon dioxide through photosynthesis or chemosynthesis, such as through the growing of algae or bacteria;

“(II) through the chemical conversion of carbon dioxide to a material or chemical compound in which the carbon dioxide is securely stored; or

“(III) through the use of carbon dioxide for any other purpose for which a commercial market exists, as determined by the Administrator.

“(ii) PROGRAM.—The Administrator, in consultation with the Secretary of Energy, shall carry out a research and development program for carbon dioxide utilization to promote existing and new technologies that transform carbon dioxide generated by industrial processes into a product of commercial value, or as an input to products of commercial value.

“(iii) TECHNICAL AND FINANCIAL ASSISTANCE.—Not later than 2 years after the date of enactment of the USE IT Act, in carrying out this subsection, the Administrator, in consultation with the Secretary of Energy, shall support research and infrastructure ac-

tivities relating to carbon dioxide utilization by providing technical assistance and financial assistance in accordance with clause (iv).

“(iv) ELIGIBILITY.—To be eligible to receive technical assistance and financial assistance under clause (iii), a carbon dioxide utilization project shall—

“(I) have access to an emissions stream generated by a stationary source within the United States that is capable of supplying not less than 250 metric tons per day of carbon dioxide for research;

“(II) have access to adequate space for a laboratory and equipment for testing small-scale carbon dioxide utilization technologies, with onsite access to larger test bays for scale-up; and

“(III) have existing partnerships with institutions of higher education, private companies, States, or other government entities.

“(v) COORDINATION.—In supporting carbon dioxide utilization projects under this paragraph, the Administrator shall consult with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency, States, the private sector, and institutions of higher education to develop methods and technologies to account for the carbon dioxide emissions avoided by the carbon dioxide utilization projects.

“(vi) AUTHORIZATION OF APPROPRIATIONS.—

“(I) IN GENERAL.—Of the amounts authorized to be appropriated for the Environmental Protection Agency, \$50,000,000 shall be available to carry out this subparagraph, to remain available until expended.

“(II) REQUIREMENT.—Research carried out using amounts made available under subclause (I) may not duplicate research funded by the Department of Energy.

“(D) DEEP SALINE FORMATION REPORT.—

“(i) DEFINITION OF DEEP SALINE FORMATION.—

“(I) IN GENERAL.—In this subparagraph, the term ‘deep saline formation’ means a formation of subsurface geographically extensive sedimentary rock layers saturated with waters or brines that have a high total dissolved solids content and that are below the depth where carbon dioxide can exist in the formation as a supercritical fluid.

“(II) CLARIFICATION.—In this subparagraph, the term ‘deep saline formation’ does not include oil and gas reservoirs.

“(ii) REPORT.—In consultation with the Secretary of Energy, and, as appropriate, with the head of any other relevant Federal agency and relevant stakeholders, not later than 1 year after the date of enactment of the USE IT Act, the Administrator shall prepare, submit to Congress, and make publicly available a report that includes—

“(I) a comprehensive identification of potential risks and benefits to project developers associated with increased storage of carbon dioxide captured from stationary sources in deep saline formations, using existing research;

“(II) recommendations, if any, for managing the potential risks identified under subclause (I), including potential risks unique to public land; and

“(III) recommendations, if any, for Federal legislation or other policy changes to mitigate any potential risks identified under subclause (I).

“(E) REPORT ON CARBON DIOXIDE NON-REGULATORY STRATEGIES AND TECHNOLOGIES.—

“(i) IN GENERAL.—Not less frequently than once every 2 years, the Administrator shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

“(I) the recipients of assistance under subparagraphs (B) and (C); and

“(II) a plan for supporting additional non-regulatory strategies and technologies that could significantly prevent carbon dioxide emissions or reduce carbon dioxide levels in the air, in conjunction with other Federal agencies.

“(ii) INCLUSIONS.—The plan submitted under clause (i) shall include—

“(I) a methodology for evaluating and ranking technologies based on the ability of the technologies to cost effectively reduce carbon dioxide emissions or carbon dioxide levels in the air; and

“(II) a description of any nonair-related environmental or energy considerations regarding the technologies.

“(F) GAO REPORT.—The Comptroller General of the United States shall submit to Congress a report that—

“(i) identifies all Federal grant programs in which a purpose of a grant under the program is to perform research on carbon capture and utilization technologies, including direct air capture technologies; and

“(ii) examines the extent to which the Federal grant programs identified pursuant to clause (i) overlap or are duplicative.”.

(c) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Environmental Protection Agency (referred to in this section as the “Administrator”) shall submit to Congress a report describing how funds appropriated to the Administrator during the 5 most recent fiscal years have been used to carry out section 103 of the Clean Air Act (42 U.S.C. 7403), including a description of—

(1) the amount of funds used to carry out specific provisions of that section; and

(2) the practices used by the Administrator to differentiate funding used to carry out that section, as compared to funding used to carry out other provisions of law.

(d) INCLUSION OF CARBON CAPTURE INFRASTRUCTURE PROJECTS.—Section 41001(6) of the FAST Act (42 U.S.C. 4370m(6)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting “carbon capture,” after “manufacturing,”;

(B) in clause (i)(III), by striking “or” at the end;

(C) by redesignating clause (ii) as clause (iii); and

(D) by inserting after clause (i) the following:

“(ii) is covered by a programmatic plan or environmental review developed for the primary purpose of facilitating development of carbon dioxide pipelines; or”;

(2) by adding at the end the following:

“(C) INCLUSION.—For purposes of subparagraph (A), construction of infrastructure for carbon capture includes construction of—

“(i) any facility, technology, or system that captures, utilizes, or sequesters carbon dioxide emissions, including projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)); and

“(ii) carbon dioxide pipelines.”.

(e) DEVELOPMENT OF CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION REPORT, PERMITTING GUIDANCE, AND REGIONAL PERMITTING TASK FORCE.—

(1) DEFINITIONS.—In this subsection:

(A) CARBON CAPTURE, UTILIZATION, AND SEQUESTRATION PROJECTS.—The term “carbon capture, utilization, and sequestration projects” includes projects for direct air capture (as defined in paragraph (6)(B)(i) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g))).

(B) EFFICIENT, ORDERLY, AND RESPONSIBLE.—The term “efficient, orderly, and responsible” means, with respect to develop-

ment or the permitting process for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, a process that is completed in an expeditious manner while maintaining environmental, health, and safety protections.

(2) REPORT.—

(A) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chair of the Council on Environmental Quality (referred to in this section as the “Chair”), in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Energy, the Secretary of the Interior, the Executive Director of the Federal Permitting Improvement Council, and the head of any other relevant Federal agency (as determined by the President), shall prepare a report that—

(i) compiles all existing relevant Federal permitting and review information and resources for project applicants, agencies, and other stakeholders interested in the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including—

(I) the appropriate points of interaction with Federal agencies;

(II) clarification of the permitting responsibilities and authorities among Federal agencies; and

(III) best practices and templates for permitting;

(ii) inventories current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(iii) inventories existing initiatives and recent publications that analyze or identify priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(iv) identifies gaps in the current Federal regulatory framework for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(v) identifies Federal financing mechanisms available to project developers.

(B) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the report under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the report publicly available.

(3) GUIDANCE.—

(A) IN GENERAL.—After submission of the report under paragraph (2)(B), but not later than 1 year after the date of enactment of this Act, the Chair shall submit guidance consistent with that report to all relevant Federal agencies that—

(i) facilitates reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines; and

(ii) supports the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) REQUIREMENTS.—

(i) IN GENERAL.—The guidance under subparagraph (A) shall address requirements under—

(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(II) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(III) the Clean Air Act (42 U.S.C. 7401 et seq.);

(IV) the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

(V) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(VI) division A of subtitle III of title 54, United States Code (formerly known as the “National Historic Preservation Act”);

(VII) the Migratory Bird Treaty Act (16 U.S.C. 703 et seq.);

(VIII) the Act of June 8, 1940 (16 U.S.C. 668 et seq.) (commonly known as the “Bald and Golden Eagle Protection Act”); and

(IX) any other Federal law that the Chair determines to be appropriate.

(ii) ENVIRONMENTAL REVIEWS.—The guidance under subparagraph (A) shall include direction to States and other interested parties for the development of programmatic environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(iii) PUBLIC INVOLVEMENT.—The guidance under subparagraph (A) shall be subject to the public notice, comment, and solicitation of information procedures under section 1506.6 of title 40, Code of Federal Regulations (or a successor regulation).

(C) SUBMISSION; PUBLICATION.—The Chair shall—

(i) submit the guidance under subparagraph (A) to the Committee on Environment and Public Works of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

(ii) as soon as practicable, make the guidance publicly available.

(D) EVALUATION.—The Chair shall—

(i) periodically evaluate the reports of the task forces under paragraph (4)(E) and, as necessary, revise the guidance under subparagraph (A); and

(ii) each year, submit to the Committee on Environment and Public Works of the Senate, the Committee on Energy and Commerce of the House of Representatives, and relevant Federal agencies a report that describes any recommendations for legislation, rules, revisions to rules, or other policies that would address the issues identified by the task forces under paragraph (4)(E).

(4) TASK FORCE.—

(A) ESTABLISHMENT.—Not later than 18 months after the date of enactment of this Act, the Chair shall establish not less than 2 task forces, which shall each cover a different geographical area with differing demographic, land use, or geological issues—

(i) to identify permitting and other challenges and successes that permitting authorities and project developers and operators face; and

(ii) to improve the performance of the permitting process and regional coordination for the purpose of promoting the efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines.

(B) MEMBERS AND SELECTION.—

(i) IN GENERAL.—The Chair shall—

(I) develop criteria for the selection of members to each task force; and

(II) select members for each task force in accordance with subclause (I) and clause (ii).

(ii) MEMBERS.—Each task force—

(I) shall include not less than 1 representative of each of—

(aa) the Environmental Protection Agency;

(bb) the Department of Energy;

(cc) the Department of the Interior;

(dd) any other Federal agency the Chair determines to be appropriate;

(ee) any State that requests participation in the geographical area covered by the task force;

(ff) developers or operators of carbon capture, utilization, and sequestration projects or carbon dioxide pipelines; and

(gg) nongovernmental membership organizations, the primary mission of which concerns protection of the environment; and

(II) at the request of a Tribal or local government, may include a representative of—

(aa) not less than 1 local government in the geographical area covered by the task force; and

(bb) not less than 1 Tribal government in the geographical area covered by the task force.

(C) MEETINGS.—

(i) IN GENERAL.—Each task force shall meet not less than twice each year.

(ii) JOINT MEETING.—To the maximum extent practicable, the task forces shall meet collectively not less than once each year.

(D) DUTIES.—Each task force shall—

(i) inventory existing or potential Federal and State approaches to facilitate reviews associated with the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines, including best practices that—

(I) avoid duplicative reviews;

(II) engage stakeholders early in the permitting process; and

(III) make the permitting process efficient, orderly, and responsible;

(ii) develop common models for State-level carbon dioxide pipeline regulation and oversight guidelines that can be shared with States in the geographical area covered by the task force;

(iii) provide technical assistance to States in the geographical area covered by the task force in implementing regulatory requirements and any models developed under clause (ii);

(iv) inventory current or emerging activities that transform captured carbon dioxide into a product of commercial value, or as an input to products of commercial value;

(v) identify any priority carbon dioxide pipelines needed to enable efficient, orderly, and responsible development of carbon capture, utilization, and sequestration projects at increased scale;

(vi) identify gaps in the current Federal and State regulatory framework and in existing data for the deployment of carbon capture, utilization, and sequestration projects and carbon dioxide pipelines;

(vii) identify Federal and State financing mechanisms available to project developers; and

(viii) develop recommendations for relevant Federal agencies on how to develop and research technologies that—

(I) can capture carbon dioxide; and

(II) would be able to be deployed within the region covered by the task force, including any projects that have received technical or financial assistance for research under paragraph (6) of section 103(g) of the Clean Air Act (42 U.S.C. 7403(g)).

(E) REPORT.—Each year, each task force shall prepare and submit to the Chair and to the other task forces a report that includes—

(i) any recommendations for improvements in efficient, orderly, and responsible issuance or administration of Federal permits and other Federal authorizations required under a law described in paragraph (3)(B)(i); and

(ii) any other nationally relevant information that the task force has collected in carrying out the duties under subparagraph (D).

(F) EVALUATION.—Not later than 5 years after the date of enactment of this Act, the Chair shall—

(i) reevaluate the need for the task forces; and

(ii) submit to Congress a recommendation as to whether the task forces should continue.

#### SEC. 6002. REPORTING REGARDING CANCELLED APPROPRIATIONS.

(a) ASSESSMENTS REQUIRED.—

(1) FISCAL YEARS 2009 THROUGH 2018.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of

the United States shall submit to the committees of Congress described in paragraph (3) a report that assesses the amount of appropriations cancelled under section 1552 of title 31, United States Code, during each of fiscal years 2009 through 2018.

(2) FISCAL YEAR 2019.—Not later than 120 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the committees of Congress described in paragraph (3) a report that assesses the amount of appropriations cancelled under section 1552 of title 31, United States Code, during fiscal year 2019.

(3) COMMITTEES.—The committees of Congress described in this paragraph are—

(A) the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget of the House of Representatives.

(b) ELEMENTS OF ASSESSMENT.—Each assessment conducted under subsection (a) shall address the following:

(1) The amount of appropriations for each agency that were cancelled during each fiscal year covered by the report, including—

(A) the name of each appropriation account from which amounts were cancelled;

(B) for each cancelled appropriation, the fiscal year for which the appropriation was made, the period of availability of the appropriation, and the fiscal year during which the appropriation was cancelled;

(C) for each fiscal year for which appropriations made to the agency were cancelled, the percentage of the appropriations made available to the agency for the fiscal year that were cancelled; and

(D) whether there was an adjustment made with respect to the cancelled appropriation under section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)) or the cancelled appropriation was otherwise excluded from being taken into account for purposes of the discretionary spending limits (as defined in section 250 of such Act (2 U.S.C. 900)).

(2) The extent to which canceled appropriations different significantly across agencies or over time.

(3) The extent to which canceled appropriations are correlated with obligation rates or the length of time.

(4) The extent to which canceled appropriations are correlated with the length of continuing resolutions in the original year of the appropriation.

#### SEC. 6003. INCLUSION OF PROGRESS OF THE DEPARTMENT OF DEFENSE IN ACHIEVING AUDITABLE FINANCIAL STATEMENTS IN ANNUAL REPORTS ON THE FINANCIAL IMPROVEMENT AND AUDIT REMEDIATION PLAN.

Section 240b(b)(1)(B) of title 10, United States Code, is amended by adding at the end the following new clause:

“(ix) A ranking each of the military departments and Defense Agency in order of its current progress in achieving auditable financial statements as required by law, and for each military department or Defense Agency that is so ranked in the bottom quartile, separate information from the head of such department or Defense Agency on the following:

“(I) A description of the material weaknesses of such military department or Defense Agency in achieving auditable financial statements.

“(II) The underlying causes of each such weakness.

“(III) A plan for remediating each such weakness.”.

#### SEC. 6004. EXEMPTION FROM CALCULATION OF MONTHLY INCOME, FOR PURPOSES OF BANKRUPTCY LAWS, CERTAIN PAYMENTS FROM THE DEPARTMENT OF VETERANS AFFAIRS AND THE DEPARTMENT OF DEFENSE.

Section 101(10A) of title 11, United States Code, is amended by striking subparagraph (B) and inserting the following:

“(B)(i) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and, in a joint case, the debtor's spouse if not otherwise a dependent); and

“(ii) excludes—

“(I) benefits received under the Social Security Act (42 U.S.C. 301 et seq.);

“(II) payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes;

“(III) payments to victims of international terrorism or domestic terrorism, as those terms are defined in section 2331 of title 18, on account of their status as victims of such terrorism; and

“(IV) any monthly compensation, pension, pay, annuity, or allowance paid under title 10, 37, or 38 in connection with a disability, combat-related injury or disability, or death of a member of the uniformed services, except that any retired pay excluded under this subclause shall include retired pay paid under chapter 61 of title 10 only to the extent that such retired pay exceeds the amount of retired pay to which the debtor would otherwise be entitled if retired under any provision of title 10 other than chapter 61 of that title.”.

#### SEC. 6005. SILVER STAR SERVICE BANNER DAY.

(a) FINDINGS.—Congress finds the following:

(1) Congress is committed to honoring the sacrifices of wounded and ill members of the Armed Forces.

(2) The Silver Star Service Banner recognizes the members of the Armed Forces and veterans who were wounded or became ill while serving in combat for the United States.

(3) The sacrifices made by members of the Armed Forces and veterans on behalf of the United States should never be forgotten.

(4) May 1 is an appropriate date to designate as “Silver Star Service Banner Day”.

(b) DESIGNATION.—

(1) IN GENERAL.—Chapter 1 of title 36, United States Code, is amended by adding at the end the following:

#### “§ 146. Silver Star Service Banner Day

“(a) DESIGNATION.—May 1 is Silver Star Service Banner Day.

“(b) PROCLAMATION.—The President is requested to issue each year a proclamation calling on the people of the United States to observe Silver Star Service Banner Day with appropriate programs, ceremonies, and activities.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 1 of such title is amended by inserting after the item relating to section 145 the following:

“146. Silver Star Service Banner Day”.

#### SEC. 6006. ELECTROMAGNETIC PULSES AND GEOMAGNETIC DISTURBANCES.

(a) DEFINITIONS.—In this section—

(1) the term “appropriate congressional committees” has the meaning given that term in subsection (d) of section 320 of the Homeland Security Act of 2002, as added by subsection (b) of this section; and

(2) the terms “critical infrastructure”, “EMP”, and “GMD” have the meanings given such terms in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).



(b) HOMELAND SECURITY.—Section 320 of the Homeland Security Act of 2002 (6 U.S.C. 195f) is amended—

(1) in the section heading, by inserting “AND THREAT ASSESSMENT, RESPONSE, AND RECOVERY” after “DEVELOPMENT”; and

(2) by adding at the end the following:

“(d) THREAT ASSESSMENT, RESPONSE, AND RECOVERY.—

“(1) DEFINITIONS.—In this subsection—

“(A) the term ‘appropriate congressional committees’ means—

“(i) the Committee on Homeland Security and Governmental Affairs, the Committee on Armed Services, the Committee on Energy and Natural Resources, and the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Homeland Security, the Committee on Armed Services, and the Committee on Energy and Commerce of the House of Representatives;

“(B) the terms ‘prepare’ and ‘preparedness’ mean the actions taken to plan, organize, equip, train, and exercise to build and sustain the capabilities necessary to prevent, protect against, mitigate the effects of, respond to, and recover from those threats that pose the greatest risk to the security of the homeland, including the prediction and notification of impending EMPs and GMDs; and

“(C) the term ‘Sector-Specific Agency’ has the meaning given that term in section 2201.

“(2) ROLES AND RESPONSIBILITIES.—

“(A) DISTRIBUTION OF INFORMATION.—

“(i) IN GENERAL.—Beginning not later than June 19, 2020, the Secretary shall provide timely distribution of information on EMPs and GMDs to Federal, State, and local governments, owners and operators of critical infrastructure, and other persons determined appropriate by the Secretary.

“(ii) BRIEFING.—The Secretary shall brief the appropriate congressional committees on the effectiveness of the distribution of information under clause (i).

“(B) RESPONSE AND RECOVERY.—

“(i) IN GENERAL.—The Secretary shall—

“(i) coordinate the response to and recovery from the effects of EMPs and GMDs on critical infrastructure, in coordination with the heads of appropriate Sector-Specific Agencies, and on matters related to the bulk power system, in consultation with the Secretary of Energy and the Federal Energy Regulatory Commission; and

“(ii) incorporate events that include EMPs and extreme GMDs as a factor in preparedness scenarios and exercises.

“(ii) IMPLEMENTATION.—The Secretary and the Administrator of the Federal Emergency Management Agency, and on matters related to the bulk power system, the Secretary of Energy and the Federal Energy Regulatory Commission, shall—

“(I) not later than June 19, 2020, develop plans and procedures to coordinate the response to and recovery from EMP and GMD events; and

“(II) not later than December 21, 2020, conduct a national exercise to test the preparedness and response of the Nation to the effect of an EMP or extreme GMD event.

“(C) RESEARCH AND DEVELOPMENT.—

“(i) IN GENERAL.—The Secretary, in coordination with the heads of relevant Sector-Specific Agencies, shall—

“(I) without duplication of existing or ongoing efforts, conduct research and development to better understand and more effectively model the effects of EMPs and GMDs on critical infrastructure (which shall not include any system or infrastructure of the Department of Defense or any system or infrastructure of the Department of Energy associated with nuclear weapons activities); and

“(II) develop technologies to enhance the resilience of and better protect critical infrastructure.

“(ii) PLAN.—Not later than March 26, 2020, and in coordination with the heads of relevant Sector-Specific Agencies, the Secretary shall submit to the appropriate congressional committees a research and development action plan to rapidly address modeling shortfall and technology development.

“(D) EMERGENCY INFORMATION SYSTEM.—

“(i) IN GENERAL.—The Secretary, in coordination with relevant stakeholders, shall implement a network of systems that are capable of providing appropriate emergency information to the public before (if possible), during, and in the aftermath of an EMP or GMD.

“(ii) BRIEFING.—Not later than December 21, 2020, the Secretary, in coordination with the Administrator of the Federal Emergency Management Agency, shall brief the appropriate congressional committees regarding the system required under clause (i).

“(E) QUADRENNIAL RISK ASSESSMENTS.—

“(i) IN GENERAL.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce, and informed by intelligence-based threat assessments, shall conduct a quadrennial EMP and GMD risk assessment.

“(ii) BRIEFINGS.—Not later than March 26, 2020, and every 4 years thereafter until 2032, the Secretary, the Secretary of Defense, the Secretary of Energy, and the Secretary of Commerce shall provide a briefing to the appropriate congressional committees regarding the quadrennial EMP and GMD risk assessment.

“(iii) ENHANCING RESILIENCE.—The Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other relevant Sector-Specific Agencies, shall use the results of the quadrennial EMP and GMD risk assessments to better understand and to improve resilience to the effects of EMPs and GMDs across all critical infrastructure sectors, including coordinating the prioritization of critical infrastructure at greatest risk to the effects of EMPs and GMDs.

“(3) COORDINATION.—

“(A) REPORT ON TECHNOLOGICAL OPTIONS.—Not later than December 21, 2020, and every 4 years thereafter until 2032, the Secretary, in coordination with the Secretary of Defense, the Secretary of Energy, the heads of other appropriate agencies, and, as appropriate, private-sector partners, shall submit to the appropriate congressional committees, a report that—

“(i) assesses the technological options available to improve the resilience of critical infrastructure to the effects of EMPs and GMDs; and

“(ii) identifies gaps in available technologies and opportunities for technological developments to inform research and development activities.

“(B) TEST DATA.—

“(i) IN GENERAL.—Not later than December 20, 2020, the Secretary, in coordination with the heads of Sector-Specific Agencies, the Secretary of Defense, and the Secretary of Energy, shall—

“(I) review test data regarding the effects of EMPs and GMDs on critical infrastructure systems, networks, and assets representative of those throughout the Nation; and

“(II) identify any gaps in the test data.

“(ii) PLAN.—Not later than 180 days after identifying gaps in test data under clause (i), the Secretary, in coordination with the heads of Sector-Specific Agencies and in consultation with the Secretary of Defense and the Secretary of Energy, shall use the sector partnership structure identified in the Na-

tional Infrastructure Protection Plan to develop an integrated cross-sector plan to address the identified gaps.

“(iii) IMPLEMENTATION.—The heads of each agency identified in the plan developed under clause (ii) shall implement the plan in collaboration with the voluntary efforts of the private sector, as appropriate.

“(e) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect in any manner the authority, existing on the day before the date of enactment of this subsection, of any other component of the Department or any other Federal department or agency, including the authority provided to the Sector-Specific Agency specified in section 61003(c) of division F of the Fixing America's Surface Transportation Act (6 U.S.C. 121 note), including the authority under section 215 of the Federal Power Act (16 U.S.C. 824o), and including the authority of independent agencies to be independent.”.

(c) NATIONAL ESSENTIAL FUNCTIONS.—

(1) DEFINITION.—In this subsection, the term “national essential functions” means the overarching responsibilities of the Federal Government to lead and sustain the Nation before, during, and in the aftermath of a catastrophic emergency, such as an EMP or GMD that adversely affects the performance of the Federal Government.

(2) UPDATED OPERATIONAL PLANS.—Not later than March 20, 2020, each agency that supports a national essential function shall prepare updated operational plans documenting the procedures and responsibilities of the agency relating to preparing for, protecting against, and mitigating the effects of EMPs and GMDs.

(d) BENCHMARKS.—Not later than March 26, 2020, and as appropriate thereafter, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and, as appropriate, the private sector, may develop or update, as necessary, quantitative and voluntary benchmarks that sufficiently describe the physical characteristics of EMPs, including waveform and intensity, in a form that is useful to and can be shared with owners and operators of critical infrastructure. Nothing in this subsection shall affect the authority of the Electric Reliability Organization to develop and enforce, or the authority of the Federal Energy Regulatory Commission to approve, reliability standards.

(e) PILOT TEST BY DHS TO EVALUATE ENGINEERING APPROACHES.—

(1) IN GENERAL.—Not later than September 22, 2020, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Secretary of Energy, and in consultation with the private sector, as appropriate, shall develop and implement a pilot test to evaluate available engineering approaches for mitigating the effects of EMPs and GMDs on the most vulnerable critical infrastructure systems, networks, and assets.

(2) BRIEFING.—Not later than 90 days after the date on which the pilot test described in paragraph (1) is completed, the Secretary of Homeland Security, in coordination with the Secretary of Defense and the Secretary of Energy, shall jointly brief the appropriate congressional committees on the cost and effectiveness of the evaluated approaches.

(f) PILOT TEST BY DOD TO EVALUATE ENGINEERING APPROACHES.—

(1) IN GENERAL.—Not later than September 22, 2020, the Secretary of Defense, in consultation with the Secretary of Homeland Security and the Secretary of Energy, shall conduct a pilot test to evaluate engineering approaches for hardening a strategic military installation, including infrastructure that is critical to supporting that installation, against the effects of EMPs and GMDs.



(2) REPORT.—Not later than 180 days after completing the pilot test described in paragraph (1), the Secretary of Defense shall submit to the appropriate congressional committees a report regarding the cost and effectiveness of the evaluated approaches.

(g) COMMUNICATIONS OPERATIONAL PLANS.—Not later than December 21, 2020, the Secretary of Homeland Security, after holding a series of joint meetings with the Secretary of Defense, the Secretary of Commerce, the Federal Communications Commission, and the Secretary of Transportation shall submit to the appropriate congressional committees a report—

(1) assessing the effects of EMPs and GMDs on critical communications infrastructure; and

(2) recommending any necessary changes to operational plans to enhance national response and recovery efforts after an EMP or GMD.

(h) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the Homeland Security Act of 2002 is amended by striking the item relating to section 320 and inserting the following:

“Sec. 320. EMP and GMD mitigation research and development and threat assessment, response, and recovery.”

**SEC. 6007. TERMINATION OF LEASES OF PREMISES AND MOTOR VEHICLES OF SERVICEMEMBERS WHO INCUR CATASTROPHIC INJURY OR ILLNESS OR DIE WHILE IN MILITARY SERVICE.**

(a) CATASTROPHIC INJURIES AND ILLNESSES.—Subsection (a) of section 305 of the Servicemembers Civil Relief Act (50 U.S.C. 3955), as amended by section 301 of the Veterans Benefits and Transition Act of 2018 (Public Law 115–407), is further amended by adding at the end the following new paragraph:

“(4) CATASTROPHIC INJURY OR ILLNESS OF LESSEE.—The spouse of the lessee on a lease described in subsection (b) may terminate the lease during the one-year period beginning on the date on which the lessee incurs a catastrophic injury or illness (as that term is defined in section 439(g) of title 37, United States Code), if the lessee incurs the catastrophic injury or illness during a period of military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10, United States Code).”

(b) DEATHS.—Paragraph (3) of such subsection is amended by striking “in subsection (b)(1)” and inserting “in subsection (b)”.

**SEC. 6008. IMPROVEMENTS TO NETWORK FOR MANUFACTURING INNOVATION PROGRAM.**

(a) ALTERNATE PROGRAM NAME.—Subsection (a) of section 34 of the National Institute of Standards and Technology Act (15 U.S.C. 278s) is amended by inserting “or as ‘Manufacturing USA’” after “as the ‘Network for Manufacturing Innovation Program’”.

(b) CENTERS FOR MANUFACTURING INNOVATION.—Subsection (c) of such section is amended—

(1) in subparagraphs (B) and (C)(i) of paragraph (1), by striking “and tool development for microelectronics” both places it appears and inserting “tool development for microelectronics, food manufacturing, superconductors, advanced battery technologies, robotics, advanced sensors, quantum information science, supply chain water optimization, aeronautics and advanced materials, and graphene and graphene commercialization”;

(2) in paragraph (2)(D), by striking “and minority” and inserting “, minority, and veteran”;

(3) in paragraph (3)(A), by striking “, but such” and all that follows through “under subsection (d)”.

(c) FINANCIAL ASSISTANCE TO ESTABLISH AND SUPPORT CENTERS FOR MANUFACTURING INNOVATION.—Subsection (d) of such section is amended—

(1) in paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—In carrying out the Program, the Secretary shall award financial assistance to the following:

“(A) To a person or group of persons to assist the person or group of persons in planning, establishing, or supporting a center for manufacturing innovation.

“(B) To a center for manufacturing innovation, including a center that was not established using Federal funds, to support workforce development, cross-center projects, and other efforts which support the purposes of the Program.”;

(2) in paragraphs (2), (3), and (4), by striking “under paragraph (1)” each place it appears and inserting “under paragraph (1)(A)”;

(3) in paragraph (4)—

(A) in subparagraph (C)—

(i) in clause (i), by striking “; and” and inserting a semicolon;

(ii) in clause (ii)—

(I) by inserting “, including appropriate measures for assessing the effectiveness of the activities funded with regards to the center’s success in advancing the current state of the applicable advanced manufacturing technology area such as technology readiness level and manufacturing readiness level,” after “measures”;

(II) by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

“(iii) establish standards for the performance of centers for manufacturing innovation that are based on the measures developed under clause (ii); and

“(iv) for each center for manufacturing innovation supported by the award, 5 years after the initial award and every 5 years thereafter until Federal funding is discontinued, conduct an assessment of the center to confirm whether the performance of the center is meeting the standards for performance established under clause (iii).”;

(B) in subparagraph (D), by inserting “, including, as appropriate, the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Labor, the Food and Drug Administration, the National Aeronautics and Space Administration, the National Institutes of Health, and the National Science Foundation” after “manufacturing”;

(C) in subparagraph (E)—

(i) in clause (ii), by striking “without the need for long-term Federal funding”;

(ii) in clause (iii), by striking “significantly”;

(iii) in clause (v), by inserting “and to improve the domestic supply chain” after “technologies”;

(iv) in clause (ix), by inserting “industrial, research, entrepreneurship, and other” after “leverage the”;

(4) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following:

“(A) PERFORMANCE DEFICIENCY.—

“(i) NOTICE OF DEFICIENCY.—If the Secretary finds that a center for manufacturing innovation does not meet the standards for performance established under clause (iii) of paragraph (4)(C) during an assessment pursuant to clause (iv) of such paragraph, the Secretary shall notify the center of any deficiencies in the performance of the center and

provide the center one year to remedy such deficiencies.

“(ii) FAILURE TO REMEDY.—If a center for manufacturing innovation fails to remedy a deficiency identified under clause (i) or to show significant improvement in performance one year after notification of a performance deficiency identified under clause (i), the Secretary shall notify the center that the center is ineligible for further financial assistance awarded under paragraph (1).”;

(B) in subparagraph (B), in the first sentence, by striking “large capital facilities or equipment purchases” and inserting “satellite centers, large capital facilities, equipment purchases, workforce development, or general operations”;

(C) by striking subparagraph (C); and

(5) by adding at the end the following:

“(6) USE OF FINANCIAL ASSISTANCE.—Financial assistance awarded under paragraph (1)(B) may be used to carry out Program-wide activities directed by the Secretary, such as activities targeting workforce development.”.

(d) FUNDING.—Subsection (e)(2) of such section is amended—

(1) by amending subparagraph (A) to read as follows:

“(A) NIST INDUSTRIAL TECHNICAL SERVICES ACCOUNT.—To the extent provided for in advance by appropriations Acts, the Secretary may use amounts appropriated to the Institute for Industrial Technical Services account to carry out this section as follows:

“(i) For each of the fiscal years 2015 through 2019, an amount not to exceed \$5,000,000.

“(ii) For each of fiscal years 2020 through 2030, such amounts as may be necessary to carry out this section.”;

(2) in subparagraph (B), by striking “through 2024” and inserting “through 2019”.

(e) NATIONAL PROGRAM OFFICE.—Subsection (f) of such section is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) by inserting “coordinate with and, as appropriate,” before “enter”;

(ii) by inserting “including the Department of Agriculture, the Department of Defense, the Department of Education, the Department of Energy, the Department of Labor, the Food and Drug Administration, the National Aeronautics and Space Administration, the National Institutes of Health, and the National Science Foundation,” after “manufacturing”;

(B) in subparagraph (E), by striking “; and” and inserting a semicolon;

(C) by redesignating subparagraph (F) as subparagraph (J); and

(D) by inserting after subparagraph (E) the following:

“(F) to carry out pilot programs in collaboration with the centers for manufacturing innovation such as a laboratory-embedded entrepreneurship program;

“(G) to provide support services and funding as necessary to promote workforce development activities;

“(H) to coordinate with centers for manufacturing innovation to develop best practices for the membership agreements and coordination of similar project solicitations;

“(I) to collaborate with the Department of Labor, the Department of Education, industry, career and technical education schools, local community colleges, universities, and labor organizations to provide input for the development of national certifications for advanced manufacturing workforce skills in the technology areas of the centers for manufacturing innovation; and”;

(2) in paragraph (3), by inserting “State, Tribal, and local governments,” after “community colleges,”; and

(3) in paragraph (5)—

(A) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”; and

(B) by adding at the end the following:

“(B) LIAISONS.—

“(i) IN GENERAL.—The Secretary may provide financial assistance to a manufacturing extension center established as part of the Hollings Manufacturing Extension Partnership to support the purposes of the Program by providing services in one or more of the following areas:

“(I) Cybersecurity awareness and support services for small- and medium-sized manufacturers.

“(II) Assistance with workforce development.

“(III) Technology transfer for small and medium-sized manufacturers.

“(IV) Such other areas as the Secretary determines appropriate to support the purposes of the Program.

“(ii) SUPPORT.—Support under clause (i) may include the designation of a liaison.”.

(f) REPORTING AND AUDITING.—Subsection (g) of such section is amended—

(1) in paragraphs (1) and (2), by striking “under subsection (d)(1)” and inserting “under subsection (d)(1)(A)”;:

(2) in paragraph (2)(A), by striking “December 31, 2024” and inserting “December 31, 2030”; and

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking “2 years” and inserting “3 years”; and

(ii) by striking “2-year” and inserting “3-year”; and

(B) in subparagraph (B), by striking “December 31, 2024” and inserting “December 31, 2030”.

(g) EXPANSION.—Subject to the availability of appropriations, the Secretary of Commerce shall increase the number of centers for manufacturing innovation that participate in the Network for Manufacturing Innovation Program.

#### SEC. 6009. REGIONAL INNOVATION PROGRAM.

Section 27 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3722) is amended to read as follows:

#### “SEC. 27. REGIONAL INNOVATION PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) ELIGIBLE RECIPIENT DEFINED.—The term ‘eligible recipient’ means—

“(A) a State;

“(B) an Indian tribe;

“(C) a city or other political subdivision of a State;

“(D) an entity that is a nonprofit organization, an institution of higher education, a public-private partnership, a science or research park, a Federal laboratory, a venture development organization, or an economic development organization or similar entity that is focused primarily on improving science, technology, innovation, or entrepreneurship; or

“(E) a consortium of any of the entities described in subparagraphs (A) through (D).

“(2) REGIONAL INNOVATION INITIATIVE.—The term ‘regional innovation initiative’ means a geographically-bounded public or nonprofit activity or program to address issues in the local innovation systems in order to—

“(A) increase the success of innovation-driven industry;

“(B) strengthen the competitiveness of industry through new product innovation and new technology adoption;

“(C) improve the pace of market readiness and overall commercialization of innovative research;

“(D) enhance the overall innovation capacity and long-term resilience of the region; and

“(E) leverage the region’s unique competitive strengths to stimulate innovation and to create jobs.

“(3) STATE.—The term ‘State’ means one of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, or any other territory or possession of the United States.

“(4) VENTURE DEVELOPMENT ORGANIZATION.—The term ‘venture development organization’ means a State or nonprofit organization that contributes to regional or sector-based economic prosperity by providing services for the purposes of—

“(A) accelerating the commercialization of research;

“(B) strengthening the competitive position of industry through the development, commercial adoption, or deployment of technology; and

“(C) providing financial grants, loans, or direct financial investment to commercialize technology.

“(b) ESTABLISHMENT.—The Secretary shall establish a regional innovation program to encourage and support the development of regional innovation strategies designed to increase innovation-driven economic opportunity within their respective regions.

“(c) REGIONAL INNOVATION GRANTS.—

“(1) AUTHORIZATION OF GRANTS.—As part of the program established pursuant to subsection (b), the Secretary may award grants, on a competitive basis, to eligible recipients for activities designed to develop and support a regional innovation initiative.

“(2) PERMISSIBLE ACTIVITIES.—A grant awarded under this subsection shall be used for multiple activities determined appropriate by the Secretary, including—

“(A) improving the connectedness and strategic orientation of the region through planning, technical assistance, and communication among participants of a regional innovation initiative;

“(B) attracting additional participants to a regional innovation initiative;

“(C) increasing the availability and investment of private and philanthropic financing that supports innovation-based business ventures;

“(D) completing the research, development and introduction of new products, processes, and services into the commercial market;

“(E) increasing the number of full-time equivalent employment opportunities within innovation-based business ventures in the geographic region; and

“(F) achieving quantifiable, positive benefits to, or measurable enhancements for, the economic performance of the geographic region.

“(3) RESTRICTED ACTIVITIES.—Grants awarded under this subsection may not be used to pay for—

“(A) costs related to the recruitment, inducement, or associated financial or tangible incentives that might be offered to relocate an existing business from a geographic area to another geographic area; or

“(B) costs associated with offsetting revenues forgone by one or more taxing authorities through tax incentives, tax increment financing, special improvement districts, tax abatements for private development within designated zones or geographic areas, or other reduction in revenues resulting from tax credits affecting the geographic region of the eligible recipients.

“(4) APPLICATIONS.—

“(A) IN GENERAL.—An eligible recipient shall submit an application to the Secretary at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(B) COMPONENTS.—Each application submitted under subparagraph (A) shall—

“(i) describe the regional innovation initiative;

“(ii) indicate whether the regional innovation initiative is supported by the private sector, State and local governments, and other relevant stakeholders;

“(iii) identify what activities the regional innovation initiative will undertake;

“(iv) describe the expected outcomes of the regional innovation initiative and how the eligible recipient will measure progress toward those outcomes;

“(v) indicate whether the participants in the regional innovation initiative have access to, or contribute to, a well-trained workforce and other innovation assets that are critical to the successful outcomes specified in the application;

“(vi) indicate whether the participants in the regional innovation initiative are capable of attracting additional funds from non-Federal sources; and

“(vii) if appropriate for the activities proposed in the application, analyze the likelihood that the participants in the regional innovation initiative will be able to sustain activities after grant funds received under this subsection have been expended.

“(C) FEEDBACK.—The Secretary shall provide feedback to program applicants that are not awarded grants to help them improve future applications.

“(D) SPECIAL CONSIDERATIONS.—The Secretary shall give special consideration to—

“(i) applications proposing to include workforce or training related activities in their regional innovation initiative from eligible recipients who agree to collaborate with local workforce investment area boards; and

“(ii) applications from regions that contain communities negatively impacted by trade.

“(5) COST SHARE.—The Secretary may not provide more than 50 percent of the total cost of any activity funded under this subsection.

“(6) OUTREACH TO RURAL COMMUNITIES.—

“(A) IN GENERAL.—The Secretary shall conduct outreach to public and private sector entities in rural communities to encourage those entities to participate in regional innovation initiatives under this subsection.

“(B) JUSTIFICATION.—As part of the program established pursuant to subsection (b), the Secretary, through the Economic Development Administration, shall submit an annual report to Congress that explains the balance in the allocation of grants to eligible recipients under this subsection between rural and urban areas.

“(7) FUNDING.—The Secretary may accept funds from other Federal agencies to support grants and activities under this subsection.

“(d) REGIONAL INNOVATION RESEARCH AND INFORMATION PROGRAM.—

“(1) IN GENERAL.—As part of the program established pursuant to subsection (b), the Secretary shall establish a regional innovation research and information program—

“(A) to gather, analyze, and disseminate information on best practices for regional innovation initiatives, including information relating to how innovation, productivity, and economic development can be maximized through such strategies;

“(B) to provide technical assistance, including through the development of technical assistance guides, for the development and implementation of regional innovation initiatives;

“(C) to support the development of relevant metrics and measurement standards to evaluate regional innovation initiatives, including the extent to which such strategies

stimulate innovation, productivity, and economic development; and

“(D) to collect and make available data on regional innovation initiatives in the United States, including data on—

“(i) the size, specialization, and competitiveness of regional innovation initiatives;

“(ii) the regional domestic product contribution, total jobs and earnings by key occupations, establishment size, nature of specialization, patents, Federal research and development spending, and other relevant information for regional innovation initiatives; and

“(iii) supply chain product and service flows within and between regional innovation initiatives.

“(2) RESEARCH GRANTS.—The Secretary may award research grants on a competitive basis to support and further the goals of the program established under this section.

“(3) DISSEMINATION OF INFORMATION.—Data and analysis compiled by the Secretary under the program established in this subsection shall be made available to other Federal agencies, State and local governments, and nonprofit and for-profit entities.

“(4) REGIONAL INNOVATION GRANT PROGRAM.—The Secretary shall incorporate data and analysis relating to any grant awarded under subsection (c) into the program established under this subsection.

“(e) INTERAGENCY COORDINATION.—

“(1) IN GENERAL.—To the maximum extent practicable, the Secretary shall ensure that the activities carried out under this section are coordinated with, and do not duplicate the efforts of, other programs at the Department of Commerce or at other Federal agencies.

“(2) COLLABORATION.—

“(A) IN GENERAL.—The Secretary shall explore and pursue collaboration with other Federal agencies, including through multi-agency funding opportunities, on regional innovation strategies.

“(B) SMALL BUSINESSES.—The Secretary shall ensure that such collaboration with Federal agencies prioritizes the needs and challenges of small businesses.

“(f) EVALUATION.—

“(1) IN GENERAL.—Not later than 5 years after Congress first appropriates funds to carry out this section, the Secretary shall competitively award a contract with an independent entity to conduct an evaluation of programs established under this section.

“(2) REQUIREMENTS.—The evaluation conducted under paragraph (1) shall include—

“(A) an assessment of whether the program is achieving its goals;

“(B) the program's efficacy in providing awards to geographically diverse entities;

“(C) any recommendations for how the program may be improved; and

“(D) a recommendation as to whether the program should be continued or terminated.

“(g) REPORTING REQUIREMENT.—Not later than 5 years after the first grant is awarded under subsection (c), and every 5 years thereafter until 5 years after the last grant recipient completes the regional innovation initiative for which such grant was awarded, the Secretary shall submit a report to Congress that describes the outcome of each regional innovation initiative that was completed during the previous 5 years.

“(h) FUNDING.—From amounts appropriated by Congress for economic development assistance authorized under section 27 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3722), the Secretary may use up to \$50,000,000 in each of the fiscal years 2020 through 2024 to carry out this section.”.

#### SEC. 6010. REPORT ON NATIONAL GUARD AND UNITED STATES NORTHERN COMMAND CAPACITY TO MEET HOMELAND DEFENSE AND SECURITY INCIDENTS.

Not later than September 30, 2020, the Chief of the National Guard Bureau shall, in consultation with the Commander of United States Northern Command, submit to the congressional defense committees a report setting forth the following:

(1) A clarification of the roles and missions, structure, capabilities, and training of the National Guard and the United States Northern Command, and an identification of emerging gaps and shortfalls in light of current homeland security threats to our country.

(2) A list of the resources that each State and Territory National Guard has at its disposal that are available to respond to a homeland defense or security incident, with particular focus on a multi-State electromagnetic pulse event.

(3) The readiness and resourcing status of forces listed pursuant to paragraph (2).

(4) The current strengths and areas of improvement in working with State and Federal interagency partners.

(5) The current assessments that address National Guard readiness and resourcing of regular United States Northern Command forces postured to respond to homeland defense and security incidents.

(6) A roadmap to 2040 that addresses readiness across the spectrum of long-range emerging threats facing the United States.

#### SEC. 6011. COMPTROLLER GENERAL OF THE UNITED STATES REPORT ON THE EFFECTS OF CONTINUING RESOLUTIONS ON READINESS AND PLANNING OF THE DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the congressional defense committees a report setting forth a description and assessment of the effects of continuing resolutions on readiness and planning of the Department of Defense.

(b) ELEMENTS.—The report required by subsection (a) shall address the following:

(1) The extent to which the acquisition of goods and services, the support of operational systems, and the stewardship of installations and facilities by the Department of Defense are impacted by continuing resolutions, including the following:

(A) The extent to which continuing resolutions negatively impact contract fidelity, including Department purchasing power, and Department leverage in non-pecuniary contract terms such as contract type and delivery date.

(B) The extent to which the Department pays more, all other things being equal, because of frequent continuing resolutions.

(C) An estimate of the total decrease in Department purchasing power as a result of continuing resolutions.

(D) The extent to which continuing resolutions negatively impact Department maintenance work.

(2) The effects of preparations for and operations of Department personnel under continuing resolutions, including the following:

(A) The time spent by Senior Executive Service personnel and general and flag officers in preparations for and responses to the enactment of continuing resolutions, set forth by average per year and average per continuing resolution.

(B) The time spent by other Department personnel in preparations for and implementation of continuing resolutions.

(C) The extent to which Department personnel take more time to focus on budget execution under a continuing resolution

when compared with a full year appropriation.

(D) The extent to which continuing resolutions negatively impact the ability of managers at the Department to hire.

(3) The funding issues of the Department associated with continuing resolutions, including the extent to which the Department has requested so-called “anomalies” or exceptions to limitations on duration, amount, or purposes of funds that otherwise apply to interim funding under continuing resolutions, including the following (beginning with fiscal year 2010):

(A) The number and absolute value of programs affected by continuing resolutions restrictions on new starts.

(B) The number and absolute value of programs affected by continuing resolutions restrictions on production increases.

(C) The number and absolute value of such exceptions requested by the Department.

(D) The percentage of such exceptions, in both numbers and dollar amount, included in continuing resolutions.

(E) The total cumulative delay due to continuing resolutions in programs funded through procurement or research, development, test, and evaluation.

(F) The amount by which the budget of the Department has been misaligned either between or within accounts due to continuing resolutions, set forth by budget category 050 and amount, together with adjustments for length of the continuing resolution concerned.

(c) CONTINUING RESOLUTION DEFINED.—In this section, the term “continuing resolution” means a continuing resolution or similar partial-year appropriation providing funds for the Department of Defense pending enactment of a full-year appropriation for the Department.

#### SEC. 6012. INTEGRATED PUBLIC ALERT AND WARNING SYSTEM.

(a) DEFINITIONS.—In this section—

(1) the term “Administrator” means the Administrator of the Agency;

(2) the term “Agency” means the Federal Emergency Management Agency;

(3) the term “public alert and warning system” means the integrated public alert and warning system of the United States described in section 526 of the Homeland Security Act of 2002 (6 U.S.C. 321o);

(4) the term “Secretary” means the Secretary of Homeland Security; and

(5) the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any possession of the United States.

(b) INTEGRATED PUBLIC ALERT AND WARNING SYSTEM.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop minimum requirements for State, Tribal, and local governments to participate in the public alert and warning system and that are necessary to maintain the integrity of the public alert and warning system, including—

(A) guidance on the categories of public emergencies and appropriate circumstances that warrant an alert and warning from State, Tribal, and local governments using the public alert and warning system;

(B) the procedures for State, Tribal, and local government officials to authenticate civil emergencies and initiate, modify, and cancel alerts transmitted through the public alert and warning system, including protocols and technology capabilities for—

(i) the initiation, or prohibition on the initiation, of alerts by a single authorized or unauthorized individual;

(ii) testing a State, Tribal, or local government incident management and warning tool without accidentally initiating an alert through the public alert and warning system; and

(iii) steps a State, Tribal, or local government official should take to mitigate the possibility of the issuance of a false alert through the public alert and warning system;

(C) the standardization, functionality, and interoperability of incident management and warning tools used by State, Tribal, and local governments to notify the public of an emergency through the public alert and warning system;

(D) the annual training and recertification of emergency management personnel on requirements for originating and transmitting an alert through the public alert and warning system;

(E) the procedures, protocols, and guidance concerning the protective action plans that State, Tribal, and local governments shall issue to the public following an alert issued under the public alert and warning system;

(F) the procedures, protocols, and guidance concerning the communications that State, Tribal, and local governments shall issue to the public following a false alert issued under the public alert and warning system;

(G) a plan by which State, Tribal, and local government officials may, during an emergency, contact each other as well as Federal officials and participants in the Emergency Alert System and the Wireless Emergency Alert System, when appropriate and necessary, by telephone, text message, or other means of communication regarding an alert that has been distributed to the public; and

(H) any other procedure the Administrator considers appropriate for maintaining the integrity of and providing for public confidence in the public alert and warning system.

(2) COORDINATION WITH NATIONAL ADVISORY COUNCIL REPORT.—The Administrator shall ensure that the minimum requirements developed under paragraph (1) do not conflict with recommendations made for improving the public alert and warning system provided in the report submitted by the National Advisory Council under section 2(b)(7)(B) of the Integrated Public Alert and Warning System Modernization Act of 2015 (Public Law 114-143; 130 Stat. 332).

(3) PUBLIC CONSULTATION.—In developing the minimum requirements under paragraph (1), the Administrator shall ensure appropriate public consultation and, to the extent practicable, coordinate the development of the requirements with stakeholders of the public alert and warning system, including—

(A) appropriate personnel from Federal agencies, including the National Institute of Standards and Technology, the Agency, and the Federal Communications Commission;

(B) representatives of State and local governments and emergency services personnel, who shall be selected from among individuals nominated by national organizations representing those governments and personnel;

(C) representatives of Federally recognized Indian tribes and national Indian organizations;

(D) communications service providers;

(E) vendors, developers, and manufacturers of systems, facilities, equipment, and capabilities for the provision of communications services;

(F) third-party service bureaus;

(G) the national organization representing the licensees and permittees of noncommercial broadcast television stations;

(H) technical experts from the broadcasting industry;

(I) educators from the Emergency Management Institute; and

(J) other individuals with technical expertise as the Administrator determines appropriate.

(4) INAPPLICABILITY OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the public consultation with stakeholders under paragraph (3).

(c) INCIDENT MANAGEMENT AND WARNING TOOL VALIDATION.—

(1) IN GENERAL.—The Administrator shall establish a process to ensure that an incident management and warning tool used by a State, Tribal, or local government to originate and transmit an alert through the public alert and warning system meets the requirements developed by the Administrator under subsection (b)(1).

(2) REQUIREMENTS.—The process required to be established under paragraph (1) shall include—

(A) the ability to test an incident management and warning tool in the public alert and warning system lab;

(B) the ability to certify that an incident management and warning tool complies with the applicable cyber frameworks of the Department of Homeland Security and the National Institute of Standards and Technology;

(C) a process to certify developers of emergency management software; and

(D) requiring developers to provide the Administrator with a copy of and rights of use for ongoing testing of each version of incident management and warning tool software before the software is first used by a State, Tribal, or local government.

(d) REVIEW AND UPDATE OF MEMORANDA OF UNDERSTANDING.—

(1) IN GENERAL.—The Administrator shall review the memoranda of understanding between the Agency and State, Tribal, and local governments with respect to the public alert and warning system to ensure that all agreements ensure compliance with the requirements developed by the Administrator under subsection (b)(1).

(e) FUTURE MEMORANDA.—The Administrator shall ensure that any new memorandum of understanding entered into between the Agency and a State, Tribal, or local government on or after the date of enactment of this Act with respect to the public alert and warning system ensures that the agreement requires compliance with the requirements developed by the Administrator under subsection (b)(1).

(f) MISSILE ALERT AND WARNING AUTHORITIES.—

(1) IN GENERAL.—

(A) AUTHORITY.—On and after the date that is 120 days after the date of enactment of this Act, the authority to originate an alert warning the public of a missile launch directed against a State using the public alert and warning system shall reside primarily with the Federal Government.

(B) DELEGATION OF AUTHORITY.—The Secretary may delegate the authority described in subparagraph (A) to a State, Tribal, or local entity if, not later than 180 days after the date of enactment of this Act, the Secretary submits a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives that—

(i) it is not feasible for the Federal Government to alert the public of a missile threat against a State; or

(ii) it is not in the national security interest of the United States for the Federal Government to alert the public of a missile threat against a State.

(C) ACTIVATION OF SYSTEM.—Upon verification of a missile threat, the Presi-

dent, utilizing established authorities, protocols and procedures, may activate the public alert and warning system.

(D) RULE OF CONSTRUCTION.—Nothing in this paragraph shall be construed to change the command and control relationship between entities of the Federal Government with respect to the identification, dissemination, notification, or alerting of information of missile threats against the United States that was in effect on the day before the date of enactment of this Act.

(2) REQUIRED PROCESSES.—The Secretary, acting through the Administrator, shall establish a process to promptly notify a State warning point, and any State entities that the Administrator determines appropriate, following the issuance of an alert described in paragraph (1)(A) so the State may take appropriate action to protect the health, safety, and welfare of the residents of the State.

(3) GUIDANCE.—The Secretary, acting through the Administrator, shall work with the Governor of a State warning point to develop and implement appropriate protective action plans to respond to an alert described in paragraph (1)(A) for that State.

(4) STUDY AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall—

(A) examine the feasibility of establishing an alert designation under the public alert and warning system that would be used to alert and warn the public of a missile threat while concurrently alerting a State warning point so that a State may activate related protective action plans; and

(B) submit a report of the findings under subparagraph (A), including of the costs and timeline for taking action to implement an alert designation described in subparagraph (A), to—

(i) the Subcommittee on Homeland Security of the Committee on Appropriations of the Senate;

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

(iii) the Subcommittee on Homeland Security of the Committee on Appropriations of the House of Representatives; and

(iv) the Committee on Homeland Security of the House of Representatives.

(g) USE OF INTEGRATED PUBLIC ALERT AND WARNING SYSTEM LAB.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) develop a program to increase the utilization of the public alert and warning system lab of the Agency by State, Tribal, and local governments to test incident management and warning tools and train emergency management professionals on alert origination protocols and procedures; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing—

(A) the impact on utilization of the public alert and warning system lab by State, Tribal, and local governments resulting from the program developed under paragraph (1); and

(B) any further recommendations that the Administrator would make for additional statutory or appropriations authority necessary to increase the utilization of the public alert and warning system lab by State, Tribal, and local governments.

(h) AWARENESS OF ALERTS AND WARNINGS.—Not later than 1 year after the date of enactment of this Act, the Administrator shall—

(1) conduct a review of the National Watch Center and each Regional Watch Center of the Agency; and

(2) submit to the Committee on Homeland Security and Governmental Affairs of the

Senate and the Committee on Homeland Security of the House of Representatives a report on the review conducted under paragraph (1), which shall include—

(A) an assessment of the technical capability of the National and Regional Watch Centers described in paragraph (1) to be notified of alerts and warnings issued by a State through the public alert and warning system;

(B) a determination of which State alerts and warnings the National and Regional Watch Centers described in paragraph (1) should be aware of; and

(C) recommendations for improving the ability of the National and Regional Watch Centers described in paragraph (1) to receive any State alerts and warnings that the Administrator determines are appropriate.

(i) **TIMELINE FOR COMPLIANCE.**—Each State shall be given a reasonable amount of time to comply with any new rules, regulations, or requirements imposed under this section.

**SEC. 6013. REPORT ON IMPACT OF LIBERIAN NATIONALS ON THE NATIONAL SECURITY, FOREIGN POLICY, AND ECONOMIC AND HUMANITARIAN INTERESTS OF THE UNITED STATES AND A JUSTIFICATION FOR ADJUSTMENT OF STATUS OF QUALIFYING LIBERIANS TO THAT OF LAWFUL PERMANENT RESIDENTS.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) In 1989, a seven-year civil war broke out in Liberia that—

(A) claimed the lives of an estimated 200,000 people;

(B) displaced over ½ of the Liberian population;

(C) halted food production; and

(D) destroyed the infrastructure and economy of Liberia.

(2) A second civil war then followed from 1999 to 2003, further destabilizing Liberia and creating more turmoil and hardship for Liberians.

(3) In total, the two civil wars in Liberia killed up to an estimated ¼ million individuals.

(4) From 2014 to 2016, Liberia faced an Ebola virus outbreak that devastated the fragile health system of Liberia and killed nearly 5,000 individuals.

(5) As a result of these devastating events, thousands of Liberians sought refuge in the United States, living and working here under Temporary Protected Status (TPS) and Deferred Enforced Departure (DED), extended under both Republican and Democratic administrations beginning in 1991 with the administration of President George H. W. Bush.

(6) These law-abiding and taxpaying Liberians have made homes in the United States, have worked hard, played by the rules, paid their dues, and submitted to rigorous vetting. Many such Liberians have United States citizen children who have served in the Armed Forces, and in some cases have themselves served in that capacity.

(7) The Liberian community in the United States has also contributed greatly to private sector investment and socioeconomic assistance in Liberia by providing remittances to relatives in Liberia.

(8) While there was a positive development in 2017 with the first democratic transfer of power in more than 70 years, the Department of State has identified the capital and most populous city of Liberia, Monrovia, as being a critical-threat location for crime. Access to healthcare remains limited, critical infrastructure is lacking, and widespread corruption coupled with low wages and a weak economic recovery has left the country vulnerable to civil unrest.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than December 31, 2019, the Secretary of Defense, in con-

sultation with the Secretary of State, shall submit to the congressional defense committees a report on the impact of Liberian nationals on the national security, foreign policy, and economic, and humanitarian interests of the United States and a justification for adjustment of status of qualifying Liberians to that of lawful permanent residents.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The number of current or former Liberian nationals and their children who have served or are currently serving in the Armed Forces.

(B) The amount of remittances sent by current or former Liberian nationals to relatives in Liberia and an assessment of the impact on the economic development of Liberia if these remittances were to cease.

(C) The economic and tax contributions that Liberian nationals and their children have made to the United States.

(D) An assessment of the impact on the United States of adjusting the status of Liberian nationals who have continuous physical presence in the United States beginning on November 20, 2014, and ending on the date of the enactment of this Act, or for adjusting the status of the spouses, children, and unmarried sons or daughters of such Liberian nationals.

(c) **QUALIFYING LIBERIAN.**—

(1) **IN GENERAL.**—In this section, the term “qualifying Liberian” means and alien (as defined in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) who—

(A)(i) is a national of Liberia; and

(ii) has been continuously present in the United States during the period beginning on November 20, 2014, and ending on the date of the enactment of this Act;

(B) is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A);

(C) is otherwise eligible to receive an immigrant visa; and

(D) is admissible to the United States for permanent residence, except that the grounds of inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)) shall not apply.

(2) **EXCEPTIONS.**—The term “qualifying Liberian” does not include any alien who—

(A) has been convicted of any aggravated felony;

(B) has been convicted of 2 or more crimes involving moral turpitude (other than a purely political offense); or

(C) has ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion.

(3) **DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE.**—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(A)(ii), an alien shall not be considered to have failed to maintain continuous physical presence based on 1 or more absences from the United States for 1 or more periods amounting, in the aggregate, to not more than 180 days.

**SEC. 6014. IMPROVING QUALITY OF INFORMATION IN BACKGROUND INVESTIGATION REQUEST PACKAGES.**

(a) **REPORT ON METRICS AND BEST PRACTICES.**—Not later than 180 days after the date of the enactment of this Act, the Director of the Defense Counterintelligence and Security Agency, which serves as the primary executive branch service provider for background investigations for eligibility for access to classified information, eligibility to hold a sensitive position, and for suitability and fitness for other matters pursuant to Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suit-

ability for Government employment, fitness for contractor employees, and eligibility for access to classified national security information), shall, in consultation with the Security, Suitability, and Credentialing Performance Accountability Council established under such executive order, submit to Congress a report on—

(1) metrics for assessing the completeness and quality of packages for background investigations submitted by agencies requesting background investigations from the Defense Counterintelligence and Security Agency;

(2) rejection rates of background investigation submission packages due to incomplete or erroneous data, by agency; and

(3) best practices for ensuring full and complete information in background investigation requests.

(b) **ANNUAL REPORT ON PERFORMANCE.**—Not later than 270 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Security, Suitability, and Credentialing Performance Accountability Council shall submit to Congress a report on performance against the metrics and return rates identified in paragraphs (1) and (2) of subsection (a).

(c) **IMPROVEMENT PLANS.**—

(1) **IDENTIFICATION.**—Not later than one year after the date of the enactment of this Act, executive agents under Executive Order 13467 (50 U.S.C. 3161 note) shall identify agencies in need of improvement with respect to the quality of the information in the background investigation submissions of the agencies as reported in subsection (b).

(2) **PLANS.**—Not later than 90 days after an agency is identified under paragraph (1), the head of the agency shall provide the executive agents referred to in such paragraph with a plan to improve the performance of the agency with respect to the quality of the information in the agency's background investigation submissions.

**SEC. 6015. LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS; CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.**

Section 5323 of title 49, United States Code, is amended by adding at the end the following:

“(u) **LIMITATION ON CERTAIN ROLLING STOCK PROCUREMENTS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (5), financial assistance made available under this chapter shall not be used in awarding a contract or subcontract to an entity on or after the date of enactment of this subsection for the procurement of rolling stock for use in public transportation if the manufacturer of the rolling stock—

“(A) is incorporated in or has manufacturing facilities in the United States; and

“(B) is owned or controlled by, is a subsidiary of, or is otherwise related legally or financially to a corporation based in a country that—

“(i) is identified as a nonmarket economy country (as defined in section 771(18) of the Tariff Act of 1930 (19 U.S.C. 1677(18))) as of the date of enactment of this subsection;

“(ii) was identified by the United States Trade Representative in the most recent report required by section 182 of the Trade Act of 1974 (19 U.S.C. 2242) as a priority foreign country under subsection (a)(2) of that section; and

“(iii) is subject to monitoring by the Trade Representative under section 306 of the Trade Act of 1974 (19 U.S.C. 2416).

“(2) **EXCEPTION.**—For purposes of paragraph (1), the term “otherwise related legally or financially” does not include a minority relationship or investment.

“(3) INTERNATIONAL AGREEMENTS.—This subsection shall be applied in a manner consistent with the obligations of the United States under international agreements.

“(4) CERTIFICATION FOR RAIL ROLLING STOCK.—

“(A) IN GENERAL.—Except as provided in paragraph (5), as a condition of financial assistance made available in a fiscal year under section 5337, a recipient that operates rail fixed guideway service shall certify in that fiscal year that the recipient will not award any contract or subcontract for the procurement of rail rolling stock for use in public transportation with a rail rolling stock manufacturer described in paragraph (1).

“(B) SEPARATE CERTIFICATION.—The certification required under this paragraph shall be in addition to any certification the Secretary establishes to ensure compliance with the requirements of paragraph (1).

“(5) EXCEPTION.—This subsection, including the certification requirement under paragraph (4), shall not apply to the award of a contract or subcontract made by a public transportation agency with a rail rolling stock manufacturer described in paragraph (1) if the manufacturer and the public transportation agency have a contract for rail rolling stock that was executed before the date of enactment of this subsection.

“(v) CYBERSECURITY CERTIFICATION FOR RAIL ROLLING STOCK AND OPERATIONS.—

“(1) CERTIFICATION.—As a condition of financial assistance made available under this chapter, a recipient that operates a rail fixed guideway public transportation system shall certify that the recipient has established a process to develop, maintain, and execute a written plan for identifying and reducing cybersecurity risks.

“(2) COMPLIANCE.—For the process required under paragraph (1), a recipient of assistance under this chapter shall—

“(A) utilize the approach described by the voluntary standards and best practices developed under section 2(c)(15) of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)(15)), as applicable;

“(B) identify hardware and software that the recipient determines should undergo third-party testing and analysis to mitigate cybersecurity risks, such as hardware or software for rail rolling stock under proposed procurements; and

“(C) utilize the approach described in any voluntary standards and best practices for rail fixed guideway public transportation systems developed under the authority of the Secretary of Homeland Security, as applicable.

“(3) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority of—

“(A) the Secretary of Homeland Security to publish or ensure compliance with requirements or standards concerning cybersecurity for rail fixed guideway public transportation systems; or

“(B) the Secretary of Transportation under section 5329 to address cybersecurity issues as those issues relate to the safety of rail fixed guideway public transportation systems.”.

**SEC. 6016. SENSE OF CONGRESS ON THE NAMING OF A NAVAL VESSEL IN HONOR OF SENIOR CHIEF PETTY OFFICER SHANNON KENT.**

(a) FINDINGS.—Congress makes the following findings:

(1) Senior Chief Petty Officer Shannon M. Kent was born in Owego, New York.

(2) Senior Chief Petty Officer Kent enlisted in the United States Navy on December 10, 2003.

(3) Senior Chief Petty Officer Kent was fluent in four languages and four dialects of Arabic.

(4) Senior Chief Petty Officer Kent served five combat tours throughout 15 years of service in the Navy.

(5) On January 16, 2019, at 35 years of age, Senior Chief Petty Officer Kent was killed in a suicide bombing in Manbij, Syria, while supporting Joint Task Force-Operation Inherent Resolve.

(6) Senior Chief Petty Officer Kent was the recipient of the Bronze Star, the Purple Heart, two Joint Service Commendation Medals, the Navy and Marine Corps Commendation Medal, the Army Commendation Medal, and the Joint Service Achievement Medal, among other decorations and awards.

(7) Senior Chief Petty Officer Kent was among the first women to deploy with Special Operations Forces and was the first female to graduate from the hard skills program for non-SEALs.

(8) Senior Chief Petty Officer Kent is survived by her husband and two children.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Navy should name the next available naval vessel appropriate for such name in honor of Senior Chief Petty Officer Shannon Kent.

**SEC. 6017. AUTHORIZATION OF APPROPRIATIONS FOR DEFENSE PRODUCTION ACT OF 1950.**

Section 711 of the Defense Production Act of 1950 (50 U.S.C. 4561) is amended by striking “\$133,000,000” and all that follows and inserting the following: “for the carrying out of the provisions and purposes of this Act by the President and such agencies as he may designate or create—

“(1) \$250,000,000 for each of fiscal years 2020 through 2024; and

“(2) \$133,000,000 for fiscal year 2025 and each fiscal year thereafter.”.

**SEC. 6018. INVESTMENT IN SUPPLY CHAIN SECURITY UNDER DEFENSE PRODUCTION ACT OF 1950.**

(a) IN GENERAL.—Section 303 of the Defense Production Act of 1950 (50 U.S.C. 4533) is amended by adding at the end the following:

“(h) INVESTMENT IN SUPPLY CHAIN SECURITY.—

“(1) IN GENERAL.—The President may make available to an eligible entity described in paragraph (2) payments to increase the security of supply chains and supply chain activities, if the President certifies to Congress not less than 30 days before making such a payment that the payment is in the national security interests of the United States.

“(2) ELIGIBLE ENTITY.—An eligible entity described in this paragraph is an entity that—

“(A) is organized under the laws of the United States or any jurisdiction within the United States; and

“(B) produces—

“(i) one or more critical components;

“(ii) critical technology; or

“(iii) one or more products for the increased security of supply chains or supply chain activities.

“(3) DEFINITIONS.—In this subsection, the terms ‘supply chain’ and ‘supply chain activities’ have the meanings given those terms by the President by regulation under section 6019(b) of the National Defense Authorization Act for Fiscal Year 2020.”.

(b) REGULATIONS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the President shall prescribe regulations setting forth definitions for the terms “supply chain” and “supply chain activities” for the purposes of section 303(h) of the Defense Production Act of 1950 (50 U.S.C. 4533(h)), as added by subsection (a).

(2) SCOPE OF DEFINITIONS.—The definitions required by paragraph (1)—

(A) shall encompass—

(i) the organization, people, activities, information, and resources involved in the delivery and operation of a product or service used by the Government; or

(ii) critical infrastructure as defined in Presidential Policy Directive 21 (February 12, 2013; relating to critical infrastructure security and resilience); and

(B) may include variations for specific sectors or Government functions.

**SEC. 6019. AVIATION WORKFORCE DEVELOPMENT.**

(a) IN GENERAL.—Section 625(c)(1) of the FAA Reauthorization Act of 2018 (Public Law 115-254) is amended—

(1) in subparagraph (C), by striking “or” after the semicolon;

(2) in subparagraph (D), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(E) an organization representing aircraft users, aircraft owners, or aircraft pilots.”.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the FAA Reauthorization Act of 2018 (Public Law 115-254).

**SEC. 6020. LITTLE SHELL TRIBE OF CHIPPEWA INDIANS OF MONTANA.**

(a) FINDINGS.—Congress finds that—

(1) the Little Shell Tribe of Chippewa Indians is a political successor to signatories of the Pembina Treaty of 1863, under which a large area of land in the State of North Dakota was ceded to the United States;

(2) the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy's Reservation of Montana, which also are political successors to the signatories of the Pembina Treaty of 1863, have been recognized by the Federal Government as distinct Indian tribes;

(3) the members of the Little Shell Tribe continue to live in the State of Montana, as their ancestors have for more than 100 years since ceding land in the State of North Dakota as described in paragraph (1);

(4) in the 1930s and 1940s, the Tribe repeatedly petitioned the Federal Government for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(5) Federal agents who visited the Tribe and Commissioner of Indian Affairs John Collier attested to the responsibility of the Federal Government for the Tribe and members of the Tribe, concluding that members of the Tribe are eligible for, and should be provided with, trust land, making the Tribe eligible for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”);

(6) due to a lack of Federal appropriations during the Depression, the Bureau of Indian Affairs lacked adequate financial resources to purchase land for the Tribe, and the members of the Tribe were denied the opportunity to reorganize;

(7) in spite of the failure of the Federal Government to appropriate adequate funding to secure land for the Tribe as required for reorganization under the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), the Tribe continued to exist as a separate community, with leaders exhibiting clear political authority;

(8) the Tribe, together with the Turtle Mountain Band of Chippewa of North Dakota and the Chippewa-Cree Tribe of the Rocky Boy's Reservation of Montana, filed 2 law suits under the Act of August 13, 1946 (60 Stat. 1049) (commonly known as the “Indian Claims Commission Act”), to petition for additional compensation for land ceded to the United States under the Pembina Treaty of 1863 and the McCumber Agreement of 1892;



(9) in 1971 and 1982, pursuant to Acts of Congress, the tribes received awards for the claims described in paragraph (8);

(10) in 1978, the Tribe submitted to the Bureau of Indian Affairs a petition for Federal recognition, which is still pending as of the date of enactment of this Act; and

(11) the Federal Government, the State of Montana, and the other federally recognized Indian tribes of the State have had continuous dealings with the recognized political leaders of the Tribe since the 1930s.

(b) DEFINITIONS.—In this section:

(1) MEMBER.—The term “member” means an individual who is enrolled in the Tribe pursuant to subsection (f).

(2) SECRETARY.—The term “Secretary” means the Secretary of the Interior.

(3) TRIBE.—The term “Tribe” means the Little Shell Tribe of Chippewa Indians of Montana.

(c) FEDERAL RECOGNITION.—

(1) IN GENERAL.—Federal recognition is extended to the Tribe.

(2) EFFECT OF FEDERAL LAWS.—Except as otherwise provided in this section, all Federal laws (including regulations) of general application to Indians and Indian tribes, including the Act of June 18, 1934 (25 U.S.C. 5101 et seq.) (commonly known as the “Indian Reorganization Act”), shall apply to the Tribe and members.

(d) FEDERAL SERVICES AND BENEFITS.—

(1) IN GENERAL.—Beginning on the date of enactment of this Act, the Tribe and each member shall be eligible for all services and benefits provided by the United States to Indians and federally recognized Indian tribes, without regard to—

(A) the existence of a reservation for the Tribe; or

(B) the location of the residence of any member on or near an Indian reservation.

(2) SERVICE AREA.—For purposes of the delivery of services and benefits to members, the service area of the Tribe shall be considered to be the area comprised of Blaine, Cascade, Glacier, and Hill Counties in the State of Montana.

(e) REAFFIRMATION OF RIGHTS.—

(1) IN GENERAL.—Nothing in this section diminishes any right or privilege of the Tribe or any member that existed before the date of enactment of this Act.

(2) CLAIMS OF TRIBE.—Except as otherwise provided in this section, nothing in this section alters or affects any legal or equitable claim of the Tribe to enforce any right or privilege reserved by, or granted to, the Tribe that was wrongfully denied to, or taken from, the Tribe before the date of enactment of this Act.

(f) MEMBERSHIP ROLL.—

(1) IN GENERAL.—As a condition of receiving recognition, services, and benefits pursuant to this section, the Tribe shall submit to the Secretary, by not later than 18 months after the date of enactment of this Act, a membership roll consisting of the name of each individual enrolled as a member of the Tribe.

(2) DETERMINATION OF MEMBERSHIP.—The qualifications for inclusion on the membership roll of the Tribe shall be determined in accordance with sections 1 through 3 of article 5 of the constitution of the Tribe dated September 10, 1977 (including amendments to the constitution).

(3) MAINTENANCE OF ROLL.—The Tribe shall maintain the membership roll under this subsection.

(g) ACQUISITION OF LAND.—

(1) HOMELAND.—The Secretary shall acquire, for the benefit of the Tribe, trust title to 200 acres of land within the service area of the Tribe to be used for a tribal land base.

(2) ADDITIONAL LAND.—The Secretary may acquire additional land for the benefit of the

Tribe pursuant to section 5 of the Act of June 18, 1934 (25 U.S.C. 5108) (commonly known as the “Indian Reorganization Act”).

#### SEC. 6021. PENSACOLA DAM AND RESERVOIR, GRAND RIVER, OKLAHOMA.

(a) PURPOSE.—The purpose of this section is to clarify Federal authorities and responsibilities relating to the Pensacola Dam and Reservoir.

(b) DEFINITIONS.—In this section:

(1) COMMISSION.—The term “Commission” means the Federal Energy Regulatory Commission.

(2) CONSERVATION POOL.—The term “conservation pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, below elevation 745 feet (Pensacola Datum).

(3) FLOOD POOL.—The term “flood pool” means all land and water of Grand Lake O’ the Cherokees, Oklahoma, between elevation 745 feet and elevation 755 feet (Pensacola Datum).

(4) PROJECT.—The term “project” means the Pensacola Hydroelectric Project (FERC No. 1494).

(5) SECRETARY.—The term “Secretary” means the Secretary of the Army.

(c) CONSERVATION POOL MANAGEMENT.—

(1) FEDERAL LAND.—Notwithstanding section 3(2) of the Federal Power Act (16 U.S.C. 796(2)), Federal land within the project boundary, including any right, title, or interest in or to land held by the United States for any purpose, shall not be considered to be—

(A) a reservation for purposes of section 4(e) of that Act (16 U.S.C. 797(e));

(B) land or other property of the United States for purposes of recompensing the United States for the use, occupancy, or enjoyment of the land under section 10(e)(1) of that Act (16 U.S.C. 803(e)(1)); or

(C) land of the United States for purposes of section 24 of that Act (16 U.S.C. 818).

(2) LICENSE CONDITIONS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, the Commission shall not include in any license for the project any condition or other requirement relating to—

(i) surface elevations of the conservation pool; or

(ii) the flood pool (except to the extent it references flood control requirements prescribed by the Secretary); or

(iii) land or water above an elevation of 750 feet (Pensacola Datum)

(B) EXCEPTION.—Notwithstanding subparagraph (A)(i), the Commission shall, in consultation with the licensee, prescribe flexible target surface elevations of the conservation pool to the extent necessary for the protection of life, health, property, or the environment.

(3) PROJECT SCOPE.—

(A) LICENSING JURISDICTION.—The licensing jurisdiction of the Commission for the project shall not extend to any land or water outside the project boundary.

(B) OUTSIDE INFRASTRUCTURE.—Any land, water, or physical infrastructure or other improvement outside the project boundary shall not be considered to be part of the project.

(C) BOUNDARY AMENDMENT.—

(i) IN GENERAL.—The Commission shall amend the project boundary only on request of the project licensee.

(ii) DENIAL OF REQUEST.—The Commission may deny a request to amend a project boundary under clause (i) if the Commission determines that the request is inconsistent with the requirements of part I of the Federal Power Act (16 U.S.C. 792 et seq.).

(d) FLOOD POOL MANAGEMENT.—

(1) EXCLUSIVE JURISDICTION.—Notwithstanding any other provision of law, the Secretary shall have exclusive jurisdiction and responsibility for management of the flood

pool for flood control operations at Grand Lake O’ the Cherokees.

(2) PROPERTY ACQUISITION.—If a feasibility study or other investigation determines that flood control operations at or associated with Pensacola Dam, including any backwater effect, may result in the inundation of, or damage to, land outside the project boundary to which the United States does not hold flowage rights or holds insufficient flowage rights, the project licensee shall not have any obligation to obtain or enhance those flowage rights.

(e) SAVINGS PROVISION.—Nothing in this section affects, with respect to the project—

(1) any authority or obligation of the Secretary or the Chief of Engineers pursuant to section 2 of the Act of June 28, 1938 (commonly known as the “Flood Control Act of 1938”) (33 U.S.C. 701c–1);

(2) any authority of the Secretary or the Chief of Engineers pursuant to section 7 of the Act of December 22, 1944 (commonly known as the “Flood Control Act of 1944”) (33 U.S.C. 709);

(3) any obligation of the United States to obtain flowage or other property rights pursuant to the Act of July 31, 1946 (60 Stat. 743, chapter 710);

(4) any obligation of the United States to acquire flowage or other property rights for additional reservoir storage pursuant to Executive Order 9839 (12 Fed. Reg. 2447; relating to the Grand River Dam Project);

(5) any authority of the Secretary to acquire real property interest pursuant to section 560 of the Water Resources Development Act of 1996 (Public Law 104–303; 110 Stat. 3783);

(6) any obligation of the Secretary to conduct and pay the cost of a feasibility study pursuant to section 449 of the Water Resources Development Act of 2000 (Public Law 106–541; 114 Stat. 2641);

(7) the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), including any policy issued under that Act; or

(8) any disaster assistance made available under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) or other Federal disaster assistance program.

#### TITLE LXII—MATTERS RELATING TO FOREIGN NATIONS

##### SEC. 6201. STATEMENT OF POLICY AND SENSE OF SENATE ON MUTUAL DEFENSE TREATY WITH THE REPUBLIC OF THE PHILIPPINES.

(a) STATEMENT OF POLICY.—It is the policy of the United States that—

(1) while the United States has long adopted an approach that takes no position on the ultimate disposition of the disputed sovereignty claims in the South China Sea, disputing States should—

(A) resolve their disputes peacefully without the threat or use of force; and

(B) ensure that their maritime claims are consistent with international law; and

(2) an attack on the armed forces, public vessels, or aircraft of the Republic of the Philippines in the Pacific, including the South China Sea, would trigger the mutual defense obligations of the United States under Article IV of the Mutual Defense Treaty between the Republic of the Philippines and the United States of America, done at Washington August 30, 1951, “to meet common dangers in accordance with its constitutional processes”.

(b) SENSE OF SENATE.—It is the sense of the Senate that the Secretary of State and the Secretary of Defense should—

(1) affirm the commitment of the United States to the Mutual Defense Treaty between the United States and the Republic of the Philippines;



(2) preserve and strengthen the alliance of the United States with the Republic of the Philippines;

(3) prioritize efforts to develop a shared understanding of alliance commitments and defense planning; and

(4) provide appropriate support to the Republic of the Philippines to strengthen the self-defense capabilities of the Republic of the Philippines, particularly in the maritime domain.

**SEC. 6202. SENSE OF SENATE ON ENHANCED CO-OPERATION WITH PACIFIC ISLAND COUNTRIES TO ESTABLISH OPEN-SOURCE INTELLIGENCE FUSION CENTERS IN THE INDO-PACIFIC REGION.**

It is the sense of the Senate that—

(1) the Pacific Island countries in the Indo-Pacific region are critical partners of the United States;

(2) the United States should take steps to enhance collaboration with Pacific Island countries;

(3) United States Indo-Pacific Command should pursue the establishment of one or more open-source intelligence fusion centers in the Indo-Pacific region to enhance cooperation with Pacific Island countries, which may include participation in an existing fusion center of a partner or ally in lieu of establishing an entirely new fusion center; and

(4) the United States should continue to support the political, economic, and security partnerships among Australia, New Zealand, and other Pacific Island countries.

**SEC. 6203. TWO-YEAR EXTENSION OF PROGRAM AUTHORITY FOR GLOBAL SECURITY CONTINGENCY FUND.**

(a) **INEFFECTIVENESS OF SECTION 1203.**—Section 1203, and the amendments made by that section, shall have no force or effect.

(b) **TWO-YEAR EXTENSION AND AVAILABILITY OF FUNDS.**—Section 1207 of the National Defense Authorization Act for Fiscal Year 2012 (22 U.S.C. 2151 note) is amended—

(1) in subsection (i)—

(A) in paragraph (1), by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) by amending paragraph (2) to read as follows:

“(2) **EXCEPTION.**—Amounts appropriated and transferred to the Fund before September 30, 2019, shall remain available for obligation and expenditure after that date, but only for activities under programs commenced under subsection (b) before September 30, 2019.”; and

(2) in subsection (o)—

(A) in the first sentence, by striking “September 30, 2019” and inserting “September 30, 2021”; and

(B) in the second sentence, by striking “through 2019” and inserting “through 2021”.

**SEC. 6204. REPEAL OF PROHIBITION ON TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.**

(a) **SENSE OF THE SENATE ON CYPRUS.**—It is the sense of the Senate that—

(1) allowing for the export, re-export or transfer of arms subject to the United States Munitions List (part 121 of title 22, Code of Federal Regulations) to the Republic of Cyprus would advance United States security interests in Europe by helping to reduce the dependence of the Government of the Republic of Cyprus on other countries, including countries that pose challenges to United States interests around the world, for defense-related materiel; and

(2) it is in the interest of the United States—

(A) to continue to support United Nations-facilitated efforts toward a comprehensive solution to the division of Cyprus; and

(B) for the Republic of Cyprus to join NATO's Partnership for Peace program.

(b) **MODIFICATION OF PROHIBITION.**—Section 620C(e) of the Foreign Assistance Act of 1961 (22 U.S.C. 2373(e)) is amended—

(1) in paragraph (1), by striking “Any agreement” and inserting “Except as provided in paragraph (3), any agreement”; and

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

“(3) The requirement under paragraph (1) shall not apply to any sale or other provision of any defense article or defense service to Cyprus if the end-user of such defense article or defense service is the Government of the Republic of Cyprus.”.

(c) **EXCLUSION OF THE GOVERNMENT OF THE REPUBLIC OF CYPRUS FROM CERTAIN RELATED REGULATIONS.**—

(1) **IN GENERAL.**—Subject to subsection (d) and except as provided in paragraph (2), beginning on the date of the enactment of this Act, the Secretary of State shall not apply a policy of denial for exports, re-exports, or transfers of defense articles and defense services destined for or originating in the Republic of Cyprus if—

(A) the request is made by or on behalf of the Government of the Republic of Cyprus; and

(B) the end-user of such defense articles or defense services is the Government of the Republic of Cyprus.

(2) **EXCEPTION.**—This exclusion shall not apply to any denial based upon credible human rights concerns.

(d) **LIMITATIONS ON THE TRANSFER OF ARTICLES ON THE UNITED STATES MUNITIONS LIST TO THE REPUBLIC OF CYPRUS.**—

(1) **IN GENERAL.**—The policy of denial for exports, re-exports, or transfers of defense articles on the United States Munitions List to the Republic of Cyprus shall remain in place unless the President determines and certifies to the appropriate congressional committees not less than annually that—

(A) the Government of the Republic of Cyprus is continuing to cooperate with the United States Government in efforts to implement reforms on anti-money laundering regulations and financial regulatory oversight; and

(B) the Government of the Republic of Cyprus has made and is continuing to take the steps necessary to deny Russian military vessels access to ports for refueling and servicing.

(2) **WAIVER.**—The President may waive the limitations contained in this subsection for one fiscal year if the President determines that it is essential to the national security interests of the United States to do so.

(3) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Armed Services of the Senate; and

(B) the Committee on Foreign Affairs and the Committee on Armed Services of the House of Representatives.

**SEC. 6205. UNITED STATES-INDIA DEFENSE CO-OPERATION IN THE WESTERN INDIAN OCEAN.**

(a) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the relevant congressional committees a report on defense cooperation between the United States and India in the Western Indian Ocean.

(2) **MATTERS TO BE INCLUDED.**—The report required by paragraph (1) shall include the following:

(A) A description of military activities of the United States and India, separately, in the Western Indian Ocean.

(B) A description of military cooperation activities between the United States and India in the areas of humanitarian assistance, counter terrorism, counter piracy, maritime security, and other areas as the Secretary determines appropriate.

(C) A description of how the relevant geographic combatant commands coordinate their activities with the Indian military in the Western Indian Ocean.

(D) A description of the mechanisms in place to ensure the relevant geographic combatant commands maximize defense cooperation with India in the Western Indian Ocean.

(E) Areas of future opportunity to increase military engagement with India in the Western Indian Ocean.

(3) **FORM.**—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) **MILITARY COOPERATION AGREEMENTS; CONDUCT OF REGULAR JOINT MILITARY TRAINING AND OPERATIONS.**—The Secretary of Defense is authorized to enter into military cooperation agreements and to conduct regular joint military training and operations with India in the Western Indian Ocean on behalf of the United States Government, and after consultation with the Secretary of State.

(c) **MECHANISMS TO MAXIMIZE DEFENSE CO-OPERATION.**—The Secretary of Defense shall ensure that the relevant geographic combatant commands have proper mechanisms in place to maximize defense cooperation with India in the Western Indian Ocean.

(d) **DEFINITIONS.**—In this section:

(1) **RELEVANT CONGRESSIONAL COMMITTEES.**—The term “relevant congressional committees” means—

(A) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) **RELEVANT GEOGRAPHIC COMBATANT COMMANDS.**—The term “relevant geographic combatant commands” means the United States Indo-Pacific Command, United States Central Command, and United States Africa Command.

(3) **WESTERN INDIAN OCEAN.**—The term “Western Indian Ocean” means the area in the Indian Ocean extending from the west coast of India to the east coast of Africa.

**SEC. 6206. EXPANSION OF AVAILABILITY OF FINANCIAL ASSETS OF IRAN TO VICTIMS OF TERRORISM.**

(a) **FINDINGS.**—Congress makes the following findings:

(1) On October 23, 1983, terrorists sponsored by the Government of Iran bombed the United States Marine barracks in Beirut, Lebanon. The terrorists killed 241 servicemen and injured scores more.

(2) Those servicemen were killed or injured while on a peacekeeping mission.

(3) Terrorism sponsored by the Government of Iran threatens the national security of the United States.

(4) The United States has a vital interest in ensuring that members of the Armed Forces killed or injured by such terrorism, and the family members of such members, are able to seek justice.

(b) **AMENDMENTS.**—Section 502 of the Iran Threat Reduction and Syria Human Rights Act of 2012 (22 U.S.C. 8772) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking “in the United States” and inserting “by or”; and

(B) in subparagraph (B), by inserting “, or an asset that would be blocked if the asset were located in the United States,” after “(unblocked)”; and

(C) in the flush text at the end—

(i) by inserting after “in aid of execution” the following: “, or to an order directing

that the asset be brought to the State in which the court is located and subsequently to execution or attachment in aid of execution;"; and

(i) by inserting " , without regard to concerns relating to international comity" after "resources for such an act";

(2) in subsection (b)—

(A) by striking "that are identified" and inserting the following: "that are—

"(1) identified";

(B) by striking the period at the end and inserting " ; and"; and

(C) by adding at the end the following:

"(2) identified in and the subject of proceedings in the United States District Court for the Southern District of New York in *Peterson et al. v. Islamic Republic of Iran et al.*, Case No. 13 Civ. 9195 (LAP)."; and

(3) by striking subsection (e).

**SEC. 6207. REPORT ON EXPORT OF CERTAIN SATELLITES TO ENTITIES WITH CERTAIN BENEFICIAL OWNERSHIP STRUCTURES.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the heads of appropriate agencies, shall submit to the appropriate congressional committees a report on addressing the threat or potential threat posed by the export, reexport, or in-country transfer of satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 (Public Law 112-239; 22 U.S.C. 2778 note) to entities described in subsection (b).

(b) ENTITIES DESCRIBED.—

(1) IN GENERAL.—An entity described in this subsection is an entity the beneficial owner of which is—

(A) an individual who is a citizen or national of a country described in section 1261(c)(2) of the National Defense Authorization Act for Fiscal Year 2013;

(B) an entity organized under the laws of or otherwise subject to the jurisdiction of such a country;

(C) the government of such a country; or

(D) any other individual or entity the Secretary determines may detrimentally affect the national security of the United States.

(2) DETERMINATION OF BENEFICIAL OWNERSHIP.—For purposes of paragraph (1), the Secretary shall identify a person as the beneficial owner of an entity—

(A) in a manner that is not less stringent than the manner set forth in section 240.13d-3 of title 17, Code of Federal Regulations (as in effect on the date of the enactment of this Act); and

(B) based on a threshold, to be determined by the Secretary, based on an assessment of whether the person's position would give the person an opportunity to control the use of a satellite described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 and exported, reexported, or transferred in country to the entity.

(c) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) An evaluation of whether satellites described in section 1261(c)(1) of the National Defense Authorization Act for Fiscal Year 2013 have been exported, reexported, or transferred in-country, directly or indirectly, to entities described in subsection (b).

(2) An examination of the effect on national security of the potential export, reexport, or in-country transfer of satellites in compliance with section 1261(c) of the National Defense Authorization Act for Fiscal Year 2013 in circumstances in which the services, bandwidth, or functions of the satellites could subsequently be leased or sold to, or otherwise used by, an entity described in subsection (b).

(3) An examination of the effect on national security of not limiting the export, reexport, or in-country transfer of such satellites to entities described in subsection (b).

(4) Recommendations for, and an assessment of the effectiveness of, a licensing condition that would prohibit or limit the export, reexport, or in-country transfer of such satellites to, or the use of such satellites by, entities described in subsection (b).

(5) An assessment, based on realistic and justifiable assumptions and forecasts, of the economic implications of and potential harm caused by a licensing condition described in paragraph (4) on the United States industries that develop or produce satellites and commercial telecommunications equipment that do not have direct national security ties, including any costs identified under paragraph (3).

(6) An evaluation of the resources necessary to ensure the ability of the Bureau of Industry and Security of the Department of Commerce—

(A) to adequately identify and analyze the beneficial owners of entities in decisions relating to—

(i) issuing licenses for the export, reexport, or in-country transfer of such satellites to such entities; or

(ii) the ultimate end uses and end-users of such satellites; and

(B) when evaluating such a decision—

(i) to have full knowledge of the potential end-user of the satellite and the current beneficial owner of the entity; and

(ii) to be able to determine whether issuing the license would be inconsistent with the goal of preventing entities described in subsection (b) from accessing or using such satellites.

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

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

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Energy and Commerce, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 6208. SENSE OF CONGRESS ON HONG KONG PORT VISITS.**

It is the sense of Congress that the Department of Defense should continue to make regular requests to the Government of the People's Republic of China for the Navy to conduct port calls to Hong Kong, including United States aircraft carrier visits.

**SEC. 6209. SENSE OF CONGRESS ON POLICY TOWARD HONG KONG.**

(a) FINDINGS.—Congress makes the following findings:

(1) The United States policy toward Hong Kong is guided by the United States-Hong Kong Policy Act of 1992 (Public Law 102-383; 106 Stat. 1448) (referred to in this section as the "Act"), which reaffirms that "The Hong Kong Special Administrative Region of the People's Republic of China, beginning on July 1, 1997, will continue to enjoy a high degree of autonomy on all matters other than defense and foreign affairs."

(2) The Act furthermore states that "The human rights of the people of Hong Kong are of great importance to the United States and are directly relevant to United States interests in Hong Kong."

(3) Pursuant to section 301 of the Act (22 U.S.C. 5731), the annual report issued by the Department of State on developments in Hong Kong (referred to in this section as the "Report"), released on March 21, 2019, states that "Cooperation between the United States Government and the Hong Kong government remains broad and effective in many areas, providing significant benefits to the United States economy and homeland security."

(4) The Report states that "the Chinese mainland central government implemented or instigated a number of actions that appeared inconsistent with China's commitments in the Basic Law, and in the Sino-British Joint Declaration of 1984, to allow Hong Kong to exercise a high degree of autonomy."

(5) The Report furthermore states that the "Hong Kong authorities took actions aligned with mainland priorities at the expense of human rights and fundamental freedoms. There were particular setbacks in democratic electoral processes, freedom of expression, and freedom of association."

(6) On June 10, 2019, the spokesperson for the Department of State issued a statement expressing "grave concern about the Hong Kong government's proposed amendments to its Fugitive Offenders Ordinance, which, if passed, would permit Chinese authorities to request the extradition of individuals to mainland China."

(7) According to media reports, in June 2019, over 1,000,000 residents of Hong Kong have taken part in demonstrations against the proposed amendments to the Fugitive Offenders Ordinance.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the government of the People's Republic of China and the Hong Kong Special Administrative Region of the People's Republic of China authorities should immediately cease taking all actions that undermine Hong Kong's autonomy and negatively impact the protections of fundamental human rights, freedoms, and democratic values of the people of Hong Kong, as enshrined in the Act, Hong Kong's Basic Law of 1997, and the Sino-British Joint Declaration of 1984;

(2) the Hong Kong Special Administrative Region of the People's Republic of China authorities should immediately withdraw from consideration the proposed amendments to its Fugitive Offenders Ordinance and refrain from any unwarranted use of force against the protestors that is inconsistent with internationally recognized law enforcement best practices; and

(3) the United States should impose financial sanctions, visa bans, and other punitive economic measures against all individuals or entities violating the fundamental human rights and freedoms of the people of Hong Kong, consistent with United States and international law.

**SEC. 6210. EXTENSION AND MODIFICATION OF LIMITATION ON MILITARY COOPERATION BETWEEN THE UNITED STATES AND THE RUSSIAN FEDERATION.**

Section 1232(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2488), as most recently amended by section 1247 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232), is further amended—

(1) in the matter preceding paragraph (1), by striking "fiscal year 2017, 2018, or 2019" and inserting "fiscal year 2017, 2018, 2019, or 2020";

(2) in paragraph (1) by striking " ; and";

(3) in paragraph (2) by striking the period at the end and inserting " ; and"; and

(4) by adding at the end the following new paragraph:

“(3) the Russian Federation has released the 24 Ukrainian sailors captured in the Kerch Strait on November 25, 2018.”.

**SEC. 6211. REVIEW AND REPORT ON OBLIGATIONS OF THE UNITED STATES UNDER TAIWAN RELATIONS ACT.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) Taiwan is a vital partner of the United States and a critical element of the free and open Indo-Pacific region;

(2) for 40 years, the Taiwan Relations Act (22 U.S.C. 3301 et seq.) has secured peace, stability, and prosperity and provided enormous benefits to the United States, Taiwan, and the Indo-Pacific region; and

(3) the United States should reaffirm that the policy of the United States toward diplomatic relations with the People's Republic of China rests upon the expectation that the future of Taiwan will be determined by peaceful means, as described in that Act (22 U.S.C. 3301 et seq.).

(b) REVIEW.—The Secretary of Defense, in coordination with the Secretary of State, shall conduct a review of—

(1) whether, and the means by which, as applicable, the Government of the People's Republic of China is affecting, including through military, economic, information, digital, diplomatic, or any other form of coercion—

(A) the security, or the social and economic system, of the people of Taiwan;

(B) the military balance of power between the People's Republic of China and Taiwan; or

(C) the expectation that the future of Taiwan will continue to be determined by peaceful means; and

(2) the role of United States policy toward Taiwan with respect to the implementation of the 2017 National Security Strategy and the 2018 National Defense Strategy.

(c) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of State, shall provide to the appropriate committees of Congress a report on the review under subsection (b).

(2) MATTERS TO BE INCLUDED.—The report under paragraph (1) shall include the following:

(A) Recommendations on legislative changes or Department of Defense or Department of State policy changes necessary to ensure that the United States continues to meet its obligations to Taiwan under the Taiwan Relations Act (22 U.S.C. 3301 et seq.).

(B) Guidelines for—

(i) new defense requirements, including requirements relating to information and digital space;

(ii) exchanges between senior-level civilian and military officials of the United States and Taiwan; and

(iii) the regular transfer of defense articles, especially defense articles that are mobile, survivable, and cost effective, to most effectively deter attacks and support the asymmetric defense strategy of Taiwan.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 6212. IMPLEMENTATION OF THE ASIA REASSURANCE INITIATIVE ACT WITH REGARD TO TAIWAN ARMS SALES.**

(a) FINDINGS.—Congress makes the following findings:

(1) The Department of Defense Indo-Pacific Strategy Report, released on June 1, 2019, states: “[T]he Asia Reassurance Initiative Act, a major bipartisan legislation, was signed into law by President Trump on December 31, 2018. This legislation enshrines a generational whole-of-government policy framework that demonstrates U.S. commitment to a free and open Indo-Pacific region and includes initiatives that promote sovereignty, rule of law, democracy, economic engagement, and regional security.”.

(2) The Indo-Pacific Strategy Report further states: “The United States has a vital interest in upholding the rules-based international order, which includes a strong, prosperous, and democratic Taiwan. . . . The Department [of Defense] is committed to providing Taiwan with defense articles and services in such quantity as may be necessary to enable Taiwan to maintain a sufficient self-defense capability.”.

(3) Section 209(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115-409), signed into law on December 31, 2018—

(A) builds on longstanding commitments enshrined in the Taiwan Relations Act (22 U.S.C. 3301 et seq.) to provide Taiwan with defense articles; and

(B) states: “The President should conduct regular transfers of defense articles to Taiwan that are tailored to meet the existing and likely future threats from the People's Republic of China, including supporting the efforts of Taiwan to develop and integrate asymmetric capabilities, as appropriate, including mobile, survivable, and cost-effective capabilities, into its military forces.”.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Asia Reassurance Initiative Act of 2018 (Public Law 115-409) has recommitted the United States to support the close, economic, political, and security relationship between the United States and Taiwan; and

(2) the United States should fully implement the provisions of that Act with regard to regular defensive arms sales to Taiwan.

(c) BRIEFING.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State and the Secretary of Defense, or their designees, shall brief the appropriate committees of Congress on the efforts to implement section 209(b) of the Asia Reassurance Initiative Act of 2018 (Public Law 115-409).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 6213. NORTH ATLANTIC TREATY ORGANIZATION JOINT FORCES COMMAND.**

(a) IN GENERAL.—Subchapter II of chapter 16 of title 10, United States Code, is amended by adding at the end the following new section:

**“§314 North Atlantic Treaty Organization Joint Forces Command**

“(a) AUTHORIZATION.—The Secretary of Defense shall authorize the establishment of, and the participation by members of the armed forces in, the North Atlantic Treaty Organization Joint Forces Command (in this section referred to as the ‘Joint Forces Command’), to be established in the United States.

“(b) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—The Secretary may use facilities and equipment of the Department of Defense to support the Joint Forces Command.

“(c) AVAILABILITY OF FUNDS.—Amounts appropriated to the Department of Defense for

fiscal year 2020 shall be available to carry out the purposes of this section.”.

(b) CONFORMING AMENDMENT.—The table of sections at the beginning of subchapter II of chapter 16 of title 10, United States Code, is amended by adding at the end the following new item:

“314. North Atlantic Treaty Organization Joint Forces Command.”.

**SEC. 6214. REPORT ON MILITARY ACTIVITIES OF THE RUSSIAN FEDERATION AND THE PEOPLE'S REPUBLIC OF CHINA IN THE ARCTIC REGION.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, in consultation with the Secretary of State and the Director of National Intelligence, shall submit to the appropriate committees of Congress the following:

(1) A report on the military activities of the Russian Federation in the Arctic region.

(2) A report on the military activities of the People's Republic of China in the Arctic region.

(b) MATTERS TO BE INCLUDED.—The reports under subsection (a) shall include, with respect to the Russian Federation or the People's Republic of China, as applicable, the following:

(1) A description of military activities of such country in the Arctic region, including—

(A) the emplacement of military infrastructure, equipment, or forces;

(B) any exercises or other military activities; and

(C) activities that are non-military in nature, but are considered to have military implications.

(2) An assessment of—

(A) the intentions of such activities;

(B) the extent to which such activities affect or threaten the interests of the United States and allies in the Arctic region; and

(C) any response to such activities by the United States or allies.

(3) A description of future plans and requirements with respect to such activities.

(c) FORM.—Each report under subsection (a) shall be submitted in classified form, but may include an unclassified executive summary.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(2) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 6215. EFFORTS TO ENSURE MEANINGFUL PARTICIPATION OF AFGHAN WOMEN IN PEACE NEGOTIATIONS IN AFGHANISTAN.**

(a) IN GENERAL.—The Secretary of State, in coordination with the Secretary of Defense, shall carry out activities to ensure the meaningful participation of Afghan women in the ongoing peace process in Afghanistan in a manner consistent with the Women, Peace, and Security Act of 2017 (22 U.S.C. 2151 note; Public Law 115-68), which shall include—

(1) continued United States Government advocacy for the inclusion of Afghan women leaders in ongoing and future negotiations to end the conflict in Afghanistan; and

(2) support for the inclusion of constitutional protections on women's and girls' human rights that ensure their freedom of movement, rights to education and work, political participation, and access to

healthcare and justice in any agreement reached through intra-Afghan negotiations, including negotiations with the Taliban.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Defense, shall submit to the appropriate committees of Congress a report describing the steps taken to fulfill the duties of the Secretary of State and the Secretary of Defense under subsection (a).

(c) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(2) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

**SEC. 6216. UPDATED STRATEGY TO COUNTER THE THREAT OF MALIGN INFLUENCE BY THE RUSSIAN FEDERATION AND OTHER COUNTRIES.**

(a) **IN GENERAL.**—The Secretary of Defense and the Secretary of State, in coordination with the appropriate United States Government officials, shall jointly update, with the additional elements described in subsection (b), the comprehensive strategy to counter the threat of malign influence developed pursuant to section 1239A of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 131 Stat. 1667).

(b) **ADDITIONAL ELEMENTS.**—The updated strategy required under subsection (a) shall include the following:

(1) With respect to each element specified in paragraphs (1) through (7) of subsection (b) of such section 1239A, actions to counter the threat of malign influence operations by the People’s Republic of China and any other country engaged in significant malign influence operations.

(2) A description of the interagency organizational structures and procedures for coordinating the implementation of the comprehensive strategy for countering malign influence by the Russian Federation, the People’s Republic of China, and any other country engaged in significant malign influence operations.

(c) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall jointly submit to the appropriate committees of Congress a report detailing the updated strategy required under subsection (a).

(d) **APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**—In this section, the term “appropriate committees of Congress” has the meaning given the term in subsection (e) of such section 1239A.

**SEC. 6217. MODIFICATION OF SEMIANNUAL REPORT ON ENHANCING SECURITY AND STABILITY IN AFGHANISTAN.**

Paragraph (1) of section 1225(b) of the Carl Levin and Howard P. “Buck” McKeon National Defense Authorization Act for Fiscal Year 2015 (Public Law 113–291; 127 Stat. 3550) is amended—

(1) in the paragraph heading by inserting “AND TAKING INTO ACCOUNT THE AUGUST 2017 STRATEGY OF THE UNITED STATES” after “2014”; and

(2) in subparagraph (B)—

(A) by striking the period at the end and inserting a semicolon;

(B) by striking “in the assessment of any such” and inserting “in the assessment of—“(i) any such”; and

(C) by adding at the end the following new clauses:

“(ii) the United States counterterrorism mission; and

“(iii) efforts by the Department of Defense to support reconciliation efforts and develop

conditions for the expansion of the reach of the Government of Afghanistan throughout Afghanistan.”.

**SEC. 6218. SENSE OF CONGRESS ON ACQUISITION BY TURKEY OF S-400 AIR DEFENSE SYSTEM.**

It is the sense of Congress that—

(1) Turkey is an important North Atlantic Treaty Organization ally and military partner;

(2) the acquisition by the Government of Turkey of the S-400 air defense system from the Russian Federation—

(A) undermines—

(i) the security interests of the United States; and

(ii) the air defense of Turkey;

(B) weakens the interoperability of the North Atlantic Treaty Organization; and

(C) is incompatible with the plan of the Government of Turkey—

(i) to accept delivery of and operate the F-35 aircraft; and

(ii) to continue to participate in F-35 aircraft production and maintenance;

(3) the United States and other member countries of the North Atlantic Treaty Organization have put forth several viable and competitive proposals to protect the vulnerable airspace of Turkey and to ensure the security and integrity of Turkey as a North Atlantic Treaty Organization ally;

(4) Russian Federation aggression on the periphery of Turkey, including in Georgia, Ukraine, the Black Sea, and Syria, and especially the indiscriminate bombing by the Russian Federation of the Idlib province of Syria on the border of Turkey and the incursions of Russian Federation warplanes into the airspace of Turkey on November 24, 2015, and other occasions, endangers the security of Turkey;

(5) the termination of the participation of Turkey in the F-35 program and supply chain, which may still be avoided if the Government of Turkey abandons its planned acquisition of the S-400 air defense system, would cause significant harm to the growing defense industry and economy of Turkey; and

(6) if the Government of Turkey accepts delivery of the S-400 air defense system—

(A) such acceptance would—

(i) constitute a significant transaction within the meaning of section 231(a) of the Countering Russian Influence in Europe and Eurasia Act of 2017 (22 U.S.C. 9525(a));

(ii) endanger the integrity of the North Atlantic Treaty Organization Alliance and pose a significant threat to Turkey;

(iii) adversely affect ongoing operations of the United States Armed Forces, including coalition operations in which the United States Armed Forces participate;

(iv) result in a significant impact to defense cooperation between the United States and Turkey; and

(v) significantly increase the risk of compromising United States defense systems and operational capabilities; and

(B) the President should fully implement the Countering Russian Influence in Europe and Eurasia Act of 2017 (Public Law 115–44; 131 Stat. 886) by imposing and applying sanctions under section 235 of that Act (22 U.S.C. 9529) with respect to any individual or entity determined to have engaged in such significant transaction as if such person were a sanctioned person for purposes of such section.

**SEC. 6219. MODIFICATION OF INITIATIVE TO SUPPORT PROTECTION OF NATIONAL SECURITY ACADEMIC RESEARCHERS FROM UNDUE INFLUENCE AND OTHER SECURITY THREATS.**

Paragraph (2) of section 1286(c) of the John S. McCain National Defense Authorization

Act for Fiscal Year 2019 (Public Law 115–232) is amended to read as follows:

“(2) Training, developed and delivered in consultation with academic institutions, and other support to academic institutions to promote security and limit undue influence on institutions and personnel, including financial support for execution for such activities, that—

“(A) emphasizes best practices for protection of sensitive national security information; and

“(B) includes the dissemination of unclassified publications and resources for identifying and protecting against emerging threats to academic research institutions, including specific counterintelligence guidance developed for faculty and academic researchers based on specific threats.”.

**SEC. 6231. PROHIBITION ON AVAILABILITY OF FUNDS RELATING TO SOVEREIGNTY OF THE RUSSIAN FEDERATION OVER CRIMEA.**

The text of subsection (a) of section 1231 is hereby deemed to read as follows:

“(a) **PROHIBITION.**—None of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that recognizes the sovereignty of the Russian Federation over Crimea, and the Department may not otherwise implement any such activity.”.

**SEC. 6236. LIMITATION ON TRANSFER OF F-35 AIRCRAFT TO THE REPUBLIC OF TURKEY.**

The text of subsection (a) of section 1236 preceding paragraph (1) is hereby deemed to read as follows:

“(a) **LIMITATION.**—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense, may be used to do the following, and the Department may not otherwise do the following:”.

**TITLE LXIV—OTHER AUTHORIZATIONS**

**SEC. 6401. ASSESSMENT OF RARE EARTH SUPPLY CHAIN ISSUES.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense, acting through the Defense Logistics Agency, shall submit to Congress a report assessing issues relating to the supply chain for rare earth materials.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An assessment of the rare earth materials in the reserves held by the United States.

(2) A estimate of the needs of the United States for such materials—

(A) in general; and

(B) to support a major near-peer conflict such as is outlined in war game scenarios included in the 2018 National Defense Strategy.

(3) An assessment of the extent to which substitutes for such materials are available.

**SEC. 6422. EXPANSION OF ELIGIBILITY FOR RESIDENCE AT THE ARMED FORCE RETIREMENT HOME.**

Section 1422, and the amendments made by that section, shall have no force or effect.

**TITLE LXV—AUTHORIZATION OF ADDITIONAL APPROPRIATIONS FOR OVERSEAS CONTINGENCY OPERATIONS**

**Subtitle A—General Provisions**

**SEC. 6501. REVIEW OF JOINT IMPROVISED-THREAT DEFEAT ORGANIZATION RESEARCH RELATING TO HUMANITARIAN DEMINING EFFORTS.**

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall conduct a review of the research of the Joint Improvised-Threat Defeat Organization to identify information that may be released to United States humanitarian demining organizations

for the purpose of improving the efficiency and effectiveness of humanitarian demining efforts.

(b) **REPORT TO CONGRESS.**—The Secretary shall submit a report to the congressional defense committees detailing the research identified under subsection (a).

#### **Subtitle B—Inspectors General Matters**

#### **SEC. 6511. ESTABLISHMENT OF LEAD INSPECTOR GENERAL FOR AN OVERSEAS CONTINGENCY OPERATION BASED ON SECRETARY OF DEFENSE NOTIFICATION.**

(a) **NOTIFICATION ON COMMENCEMENT OF OCO.**—Section 113 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(n) **NOTIFICATION OF CERTAIN OVERSEAS CONTINGENCY OPERATIONS FOR PURPOSES OF INSPECTOR GENERAL ACT OF 1978.**—The Secretary of Defense shall provide the Chair of the Council of Inspectors General on Integrity and Efficiency written notification of the commencement or designation of a military operation as an overseas contingency operation upon the earlier of—

“(1) a determination by the Secretary that the overseas contingency operation is expected to exceed 60 days; or

“(2) the date on which the overseas contingency operation exceeds 60 days.”

(b) **ESTABLISHMENT OF LEAD INSPECTOR GENERAL BASED ON NOTIFICATION.**—Section 8L of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subsection (a)—

(A) by striking “Upon the commencement” and all that follows through “the Chair” and inserting “The Chair”; and

(B) by inserting before the period at the end the following: “upon the earlier of—

“(1) the commencement or designation of a military operation as an overseas contingency operation that exceeds 60 days; or

“(2) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”; and

(2) in subsection (d)(1), by striking “the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days” and inserting “the earlier of—

“(A) the commencement or designation of the military operation concerned as an overseas contingency operation that exceeds 60 days; or

“(B) receipt of a notification under section 113(n) of title 10, United States Code, with respect to an overseas contingency operation”.

#### **SEC. 6512. CLARIFICATION OF AUTHORITY OF INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

Section 8L(d)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in subparagraph (D)—

(A) in clause (i), by striking “to exercise” and all that follows through “such matter” and inserting “to identify and coordinate with the Inspector General who has principal jurisdiction over the matter to ensure effective oversight”; and

(B) by adding at the end the following:

“(iii)(I) Upon written request by the Inspector General with principal jurisdiction over a matter with respect to the contingency operation, and with the approval of the lead Inspector General, an Inspector General specified in subsection (c) may provide investigative support or conduct an independent investigation of an allegation of criminal activity by any United States personnel, contractor, subcontractor, grantee, or vendor in the applicable theater of operations.

“(II) In the case of a determination by the lead Inspector General that no Inspector General has principal jurisdiction over a

matter with respect to the contingency operation, the lead Inspector General may—

“(aa) conduct an independent investigation of an allegation described in subclause (I); or

“(bb) request that an Inspector General specified in subsection (c) conduct such investigation.”; and

(2) by adding at the end the following:

“(I) To enhance cooperation among Inspectors General and encourage comprehensive oversight of the contingency operation, any Inspector General responsible for conducting oversight of any program or operation performed in support of the contingency operation may, to the maximum extent practicable and consistent with the duties, responsibilities, policies, and procedures of such Inspector General—

“(i) coordinate such oversight activities with the lead Inspector General; and

“(ii) provide information requested by the lead Inspector General relating to the responsibilities of the lead Inspector General described in subparagraphs (B), (C), and (G).”.

#### **SEC. 6513. EMPLOYMENT STATUS OF ANNUITANTS FOR INSPECTORS GENERAL FOR OVERSEAS CONTINGENCY OPERATIONS.**

Section 8L(d) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) in paragraph (2)(E), by inserting “(without regard to subsection (b)(2) of such section)” after “United States Code,”;

(2) in paragraph (3), by amending subparagraph (C) to read as follows:

“(C)(i) An annuitant receiving an annuity under the Foreign Service Retirement and Disability System or the Foreign Service Pension System under chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) who is reemployed under this subsection—

“(I) shall continue to receive the annuity; and

“(II) shall not be considered a participant for purposes of chapter 8 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4041 et seq.) or an employee for purposes of subchapter III of chapter 83 or chapter 84 of title 5, United States Code.

“(ii) An annuitant described in clause (i) may elect in writing for the reemployment of the annuitant under this subsection to be subject to section 824 of the Foreign Service Act of 1980 (22 U.S.C. 4064). A reemployed annuitant shall make an election under this clause not later than 90 days after the date of the reemployment of the annuitant.”; and

(3) by adding at the end the following:

“(5)(A) A person employed by a lead Inspector General for an overseas contingency operation under this section shall acquire competitive status for appointment to any position in the competitive service for which the employee possesses the required qualifications upon the completion of 2 years of continuous service as an employee under this section.

“(B) No person who is first employed as described in subparagraph (A) more than 2 years after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2020 may acquire competitive status under subparagraph (A).”.

#### **TITLE LXVI—STRATEGIC PROGRAMS, CYBER, AND INTELLIGENCE MATTERS**

#### **SEC. 6601. ANNUAL REPORT ON DEVELOPMENT OF GROUND-BASED STRATEGIC DETERRENT WEAPON.**

(a) **REPORT REQUIRED.**—Not later than February 15, 2020, and annually thereafter until the date on which the ground-based strategic deterrent weapon receives Milestone C approval (as defined in section 2366 of title 10, United States Code), the Secretary of the Air Force, in coordination with the Adminis-

trator for Nuclear Security and the Chairman of the Nuclear Weapons Council, shall submit to the congressional defense committees a report describing the joint development of the ground-based strategic deterrent weapon, including the missile developed by the Air Force and the W87-1 warhead modification program conducted by the National Nuclear Security Administration.

(b) **ELEMENTS.**—The report required by subsection (a) shall include the following:

(1) An estimate of the date on which the ground-based strategic deterrent weapon will reach initial operating capability.

(2) A description of any development milestones for the missile developed by the Air Force or the warhead developed by the National Nuclear Security Administration that depend on corresponding progress at the other agency.

(3) A description of coordination efforts between the Air Force and the National Nuclear Security Administration during the year preceding submission of the report.

(4) A description of any schedule delays projected by the Air Force or the National Nuclear Security Administration, including delays related to infrastructure capacity and subcomponent production, and the anticipated effect such delays would have on the schedule of work of the other agency.

(5) Plans to mitigate the effects of any delays described in paragraph (4).

(6) A description of any ways, including through the availability of additional funding or authorities, in which the development milestones described in paragraph (2) or the estimated date of initial operating capability referred to in paragraph (1) could be achieved more quickly.

(c) **FORM.**—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

#### **SEC. 6602. SENSE OF SENATE ON SUPPORT FOR A ROBUST AND MODERN ICBM FORCE TO MAXIMIZE THE VALUE OF THE NUCLEAR TRIAD OF THE UNITED STATES.**

(a) **FINDINGS.**—The Senate makes the following findings:

(1) Land-based intercontinental ballistic missiles (in this section referred to as “ICBMs”) have been a critical part of the strategic deterrent of the United States for 6 decades in conjunction with air and sea-based strategic delivery systems.

(2) President John F. Kennedy referred to the deployment of the first Minuteman missile during the Cuban Missile Crisis as his “ace in the hole”.

(3) The Minuteman III missile entered service in 1970 and is still deployed in 2019, well beyond its originally intended service life.

(4) The ICBM force of the United States peaked at more than 1,200 deployed missiles during the Cold War.

(5) The ICBM force of the United States currently consists of approximately 400 Minuteman III missiles deployed across 450 operational missile silos, each carrying a single warhead.

(6) The Russian Federation currently deploys at least 300 ICBMs with multiple warheads loaded on each missile and has announced plans to replace its Soviet-era systems with modernized ICBMs.

(7) The People's Republic of China currently deploys at least 75 ICBMs and plans to grow its ICBM force through the deployment of modernized, road-mobile ICBMs that carry multiple warheads.

(8) The Russian Federation and the People's Republic of China deploy nuclear weapons across a variety of platforms in addition to their ICBM forces.

(9) Numerous countries possess or are seeking to develop nuclear weapons capabilities

that pose challenges to the nuclear deterrence of the United States.

(10) The nuclear deterrent of the United States is comprised of a triad of delivery systems for nuclear weapons, including submarine-launched ballistic missiles (in this subsection referred to as “SLBMs”), air-delivered gravity bombs and cruise missiles, and land-based ballistic missiles that provide interlocking and mutually reinforcing attributes that enhance strategic deterrence.

(11) Weakening one leg of the triad limits the deterrent value of the other legs of the triad.

(12) In the nuclear deterrent of the United States, ICBMs provide commanders with the most prompt response capability, SLBMs provide stealth and survivability, and aircraft armed with nuclear weapons provide flexibility.

(13) The ICBM force of the United States forces any would-be attacker to confront more than 400 discrete targets, thus creating an effectively insurmountable targeting problem for a potential adversary.

(14) The size, dispersal, and global reach of the ICBM force of the United States ensures that no adversary can escalate a crisis beyond the ability of the United States to respond.

(15) A potential attacker would be forced to expend far more warheads to destroy the ICBMs of the United States than the United States would lose in an attack, because of the deployment of a single warhead on each ICBM of the United States.

(16) The ICBM force provides a persistent deterrent capability that reinforces strategic stability.

(17) ICBMs are the cheapest delivery system for nuclear weapons for the United States to operate and maintain.

(18) United States Strategic Command has validated military requirements for the unique capabilities of ICBMs.

(19) In a 2014 analysis of alternatives, the Air Force concluded that replacing the Minuteman III missile would provide upgraded capabilities at lower cost when compared with extending the service life of the Minuteman III missile.

(20) The Minuteman III replacement program, known as the ground-based strategic deterrent, is expected to provide a land-based strategic deterrent capability for 5 decades after the program enters service.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) land-based ICBMs have certain characteristics, including responsiveness, persistence, and dispersal, that enhance strategic stability and magnify the deterrent value of the air and sea-based legs of the nuclear triad of the United States;

(2) ICBMs have played and continue to play a role in deterring attacks on the United States and its allies;

(3) while arms control agreements have reduced the size of the ICBM force of the United States, adversaries of the United States continue to enhance, enlarge, and modernize their ICBM forces;

(4) the modernization of the ICBM force of the United States through the ground-based strategic deterrent program should be supported;

(5) ICBMs have the lowest operation, maintenance, and modernization costs of any part of the nuclear deterrent of the United States; and

(6) unilaterally reducing the size of the ICBM force of the United States or delaying the implementation of the ground-based strategic deterrent program would degrade the deterrent capabilities of a fully operational and modernized nuclear triad and should not take place at the present time.

**SEC. 6603. REPORTS BY MILITARY DEPARTMENTS ON OPERATION OF CONVENTIONAL FORCES UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of the Air Force, the Secretary of the Army, the Secretary of the Navy, and the Commandant of the Marine Corps shall each submit to the congressional defense committees a report detailing the measures taken by the appropriate Secretary or the Commandant to ensure the ability of conventional forces to operate effectively under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States.

(b) FORM OF REPORT.—Each report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

**SEC. 6604. REPORTS BY UNITED STATES EUROPEAN COMMAND AND UNITED STATES INDO-PACIFIC COMMAND ON OPERATION OF CERTAIN CONVENTIONAL FORCES UNDER EMPLOYMENT OR THREAT OF EMPLOYMENT OF NUCLEAR WEAPONS.**

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commander of the United States European Command and the Commander of the United States Indo-Pacific Command, in consultation with the Commander of the United States Strategic Command, shall each submit to the congressional defense committees a report detailing the measures taken by the Commander to ensure the ability of conventional forces under the authority of the Commander to execute contingency plans under employment or threat of employment of nuclear weapons by the United States, an ally of the United States, or an adversary of the United States.

(b) FORM OF REPORT.—The report required by subsection (a) shall be submitted in classified form but shall be accompanied by an unclassified summary appropriate for release to the public.

**SEC. 6605. JOINT ASSESSMENT OF DEPARTMENT OF DEFENSE CYBER RED TEAM CAPABILITIES, CAPACITY, DEMAND, AND REQUIREMENTS.**

(a) JOINT ASSESSMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Chief Information Officer of the Department of Defense, Principal Cyber Advisor, and the Director of Operational Test and Evaluation—

(1) conduct a joint assessment of Department cyber red team capabilities, capacity, demand, and future requirements that affect the Department's ability to develop, test, and maintain secure systems in a cyber environment; and

(2) brief the congressional defense committees on the results of the joint assessment.

(b) ELEMENTS.—The joint assessment required by subsection (a)(1) shall—

(1) specify demand for cyber red team support for acquisition and operations;

(2) specify shortfalls in meeting demand and future requirements, disaggregated by the Department of Defense and by each of the military departments;

(3) examine funding and retention initiatives to increase cyber red team capacity to meet demand and future requirements identified to support the testing, training, and development communities;

(4) examine the feasibility and benefit of developing and procuring a common Red Team Integrated Capabilities Stack that better utilizes increased capacity of cyber ranges and better models the capabilities

and tactics, techniques, and procedures of adversaries;

(5) examine the establishment of oversight and assessment metrics for Department cyber red teams;

(6) assess the implementation of common development for tools, techniques, and training;

(7) assess potential industry and academic partnerships and services;

(8) assess the mechanisms and procedures in place to deconflict red-team activities and defensive cyber operations on active networks;

(9) assess the use of Department cyber personnel in training as red team support;

(10) assess the use of industry and academic partners and contractors as red team support and the cost- and resource-effectiveness of such support; and

(11) assess the need for permanent, high-end dedicated red-teaming activities to model sophisticated adversaries' attacking critical Department systems and infrastructure.

**SEC. 6606. REPORT ON THE EXPANDED PURVIEW OF THE DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY.**

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the Defense Counterintelligence and Security Agency.

(b) CONTENTS.—The report submitted under subsection (a) shall include the following:

(1) Identification of the resources and authorities appropriate for the Inspector General for the expanded purview of the Defense Counterintelligence and Security Agency.

(2) Identification of the resources and authorities needed to perform the civil liberties and privacy officer function of the Defense Counterintelligence and Security Agency.

(3) An assessment of the security protocols in effect for personally identifiable information held by the Defense Counterintelligence and Security Agency.

(4) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to the Department of Defense, including with respect to status, authorities, and leadership.

(5) An assessment of the governance structure of the Defense Counterintelligence and Security Agency as it relates to interagency partners, including the Office of Management and Budget, the Office of the Director of National Intelligence, and the Office of Personnel Management.

(6) The methodology the Defense Counterintelligence and Security Agency will prioritize requests for background investigation requests from government agencies and industry.

**SEC. 6664. PROHIBITION ON REDUCTION OF THE INTERCONTINENTAL BALLISTIC MISSILES OF THE UNITED STATES.**

The text of subsection (a) of section 1664 is hereby deemed to read as follows:

“(a) PROHIBITION.—Except as provided in subsection (b), none of the funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended for the following, and the Department may not otherwise take any action to do the following:

“(1) Reduce, or prepare to reduce, the responsiveness or alert level of the intercontinental ballistic missiles of the United States.

“(2) Reduce, or prepare to reduce, the quantity of deployed intercontinental ballistic missiles of the United States to a number less than 400.”.



# **TITLE LXVII—PFAS RELEASE DISCLOSURE, DETECTION, AND SAFE DRINKING WATER ASSISTANCE**

## **SEC. 6701. DEFINITION OF ADMINISTRATOR.**

In this title, the term “Administrator” means the Administrator of the Environmental Protection Agency.

### **Subtitle A—PFAS Release Disclosure**

## **SEC. 6711. ADDITIONS TO TOXICS RELEASE INVENTORY.**

(a) **DEFINITION OF TOXICS RELEASE INVENTORY.**—In this section, the term “toxics release inventory” means the toxics release inventory under section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)).

### **(b) IMMEDIATE INCLUSION.**—

(1) **IN GENERAL.**—Subject to subsection (e), beginning January 1 of the calendar year following the date of enactment of this Act, the following chemicals shall be deemed to be included in the toxics release inventory:

(A) Perfluorooctanoic acid (commonly referred to as “PFOA”) (Chemical Abstracts Service No. 335-67-1).

(B) The salt associated with the chemical described in subparagraph (A) (Chemical Abstracts Service No. 3825-26-1).

(C) Perfluorooctane sulfonic acid (commonly referred to as “PFOS”) (Chemical Abstracts Service No. 1763-23-1).

(D) The salts associated with the chemical described in subparagraph (C) (Chemical Abstract Service Nos. 45298-90-6, 29457-72-5, 56773-42-3, 29081-56-9, 4021-47-0, 111873-33-7, and 91036-71-4).

(E) A perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is—

(i) listed as an active chemical substance in the February 2019 update to the inventory under section 8(b)(1) of the Toxic Substances Control Act (15 U.S.C. 2607(b)(1)); and

(ii) on the date of enactment of this Act, subject to the provisions of—

(I) section 721.9582 of title 40, Code of Federal Regulations; or

(II) section 721.10536 of title 40, Code of Federal Regulations.

### **(2) THRESHOLD FOR REPORTING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the threshold for reporting the chemicals described in paragraph (1) under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) is 100 pounds.

(B) **REVISIONS.**—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the threshold under subparagraph (A) is warranted; and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

### **(c) INCLUSION FOLLOWING ASSESSMENT.**—

(1) **IN GENERAL.**—Subject to subsection (e), a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances shall be automatically included in the toxics release inventory beginning January 1 of the calendar year after any of the following dates:

(A) **ESTABLISHMENT OF TOXICITY VALUE.**—The date on which the Administrator establishes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(B) **SIGNIFICANT NEW USE RULE.**—The date on which the Administrator finalizes a significant new use rule under subsection (a)(2) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an

order issued under subsection (e) of that section, for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

(C) **ADDITION TO EXISTING SIGNIFICANT NEW USE RULE.**—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is added to a list of substances covered by a significant new use rule previously promulgated under subsection (a)(2) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section.

(D) **ADDITION AS ACTIVE CHEMICAL SUBSTANCE.**—The date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that is on a list of substances covered by a significant new use rule under subsection (a)(2) of section 5 of the Toxic Substances Control Act (15 U.S.C. 2604), except a significant new use rule promulgated in connection with an order issued under subsection (e) of that section, is—

(i) added to the inventory under subsection (b)(1) of section 8 of the Toxic Substances Control Act (15 U.S.C. 2607) and designated as an active chemical substance under subsection (b)(5)(A) of that section; or

(ii) designated as an active chemical substance on the inventory in accordance with subsection (b)(5)(B) of that section.

### **(2) THRESHOLD FOR REPORTING.**—

(A) **IN GENERAL.**—Subject to subparagraph (B), the threshold for reporting under section 313(f)(1) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(1)) the substances and classes of substances included in the toxics release inventory under paragraph (1) is 100 pounds.

(B) **REVISIONS.**—Not later than 5 years after the date of enactment of this Act, the Administrator shall—

(i) determine whether revision of the thresholds under subparagraph (A) is warranted; and

(ii) if the Administrator determines a revision to be warranted under clause (i), initiate a revision under section 313(f)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(f)(2)).

### **(d) INCLUSION FOLLOWING DETERMINATION.**—

(1) **IN GENERAL.**—To the extent not already subject to subsection (b), not later than 2 years after the date of enactment of this Act, the Administrator shall determine whether the substances and classes of substances described in paragraph (2) meet the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)) for inclusion in the toxics release inventory.

(2) **SUBSTANCES DESCRIBED.**—The substances and classes of substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances, including—

(A) hexafluoropropylene oxide dimer acid (Chemical Abstracts Service No. 13252-13-6);

(B) the compounds associated with the chemical described in subparagraph (A) (Chemical Abstracts Service Nos. 62037-80-3 and 2062-98-8);

(C) perfluoro[2-(pentafluoroethoxy)ethoxy]acetic acid ammonium salt (Chemical Abstracts Service No. 908020-52-0);

(D) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propanoyl fluoride (Chemical Abstracts Service No. 2479-75-6);

(E) 2,3,3,3-tetrafluoro 2-(1,1,2,3,3,3-hexafluoro)-2-(trifluoromethoxy) propionic

acid (Chemical Abstracts Service No. 2479-73-4);

(F) 3H-perfluoro-3-[(3-methoxy-propoxy)propanoic acid] (Chemical Abstracts Service No. 919005-14-4);

(G) the salts associated with the chemical described in subparagraph (F) (Chemical Abstracts Service Nos. 958445-44-8, 1087271-46-2, and NOCAS\_892452);

(H) 1-octanesulfonic acid 3,3,4,4,5,5,6,6,7,7,8,8-tridecafluoro-potassium salt (Chemical Abstracts Service No. 59587-38-1);

(I) perfluorobutanesulfonic acid (Chemical Abstracts Service No. 375-73-5);

(J) 1-Butanesulfonic acid, 1,1,2,2,3,3,4,4,4-nonafluoro-potassium salt (Chemical Abstracts Service No. 29420-49-3);

(K) the component associated with the chemical described in subparagraph (J) (Chemical Abstracts Service No. 45187-15-3);

(L) heptafluorobutyric acid (Chemical Abstracts Service No. 375-22-4);

(M) perfluorohexanoic acid (Chemical Abstracts Service No. 307-24-4);

(N) each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a method to measure levels in drinking water has been validated by the Administrator; and

(O) a perfluoroalkyl and polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances other than the chemicals described in subparagraphs (A) through (N) that is used to manufacture fluoropolymers, as determined by the Administrator.

(3) **ADDITION TO TOXICS RELEASE INVENTORY.**—Subject to subsection (e), if the Administrator determines under paragraph (1) that a substance or a class of substances described in paragraph (2) meets the criteria described in section 313(d)(2) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(d)(2)), the Administrator shall revise the toxics release inventory to include that substance or class of substances not later than 2 years after the date on which the Administrator makes the determination.

### **(e) CONFIDENTIAL BUSINESS INFORMATION.**—

(1) **IN GENERAL.**—Prior to including on the toxics release inventory pursuant to subsection (b)(1), (c)(1), or (d)(3) any perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances the chemical identity of which is subject to a claim of a person of protection from disclosure under subsection (a) of section 552 of title 5, United States Code, pursuant to subsection (b)(4) of that section, the Administrator shall—

(A) review that claim of protection from disclosure; and

(B) require that person to reassert and substantiate or resubstantiate that claim in accordance with section 14(f) of the Toxic Substances Control Act (15 U.S.C. 2613(f)).

(2) **NONDISCLOSURE OF PROTECTION INFORMATION.**—If the Administrator determines that the chemical identity of a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances qualifies for protection from disclosure under paragraph (1), the Administrator shall include the substance or class of substances, as applicable, on the toxics release inventory in a manner that does not disclose the protected information.

(f) **EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT OF 1986.**—Section 313(c) of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11023(c)) is amended—

(1) by striking the period at the end and inserting “; and”;

(2) by striking “are those chemicals” and inserting the following: “are—



“(1) the chemicals”; and

(3) by adding at the end the following:

“(2) the chemicals included under subsections (b)(1), (c)(1), and (d)(3) of section 6711 of the National Defense Authorization Act for Fiscal Year 2020.”.

#### Subtitle B—Drinking Water

##### SEC. 6721. NATIONAL PRIMARY DRINKING WATER REGULATIONS FOR PFAS.

Section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)) is amended by adding at the end the following:

“(D) PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES.—

“(i) IN GENERAL.—Not later than 2 years after the date of enactment of this subparagraph, the Administrator shall promulgate a national primary drinking water regulation for perfluoroalkyl and polyfluoroalkyl substances, which shall, at a minimum, include standards for—

“(I) perfluorooctanoic acid (commonly referred to as ‘PFOA’); and

“(II) perfluorooctane sulfonic acid (commonly referred to as ‘PFOS’).

“(ii) ALTERNATIVE PROCEDURES.—

“(I) IN GENERAL.—Not later than 1 year after the validation by the Administrator of an equally effective quality control and testing procedure to ensure compliance with that national primary drinking water regulation to measure the levels described in subclause (II) or other methods to detect and monitor perfluoroalkyl and polyfluoroalkyl substances in drinking water, the Administrator shall add the procedure or method as an alternative to the quality control and testing procedure described in that national primary drinking water regulation by publishing the procedure or method in the Federal Register.

“(II) LEVELS DESCRIBED.—The levels referred to in subclause (I) are—

“(aa) the level of a perfluoroalkyl or polyfluoroalkyl substance;

“(bb) the total levels of perfluoroalkyl and polyfluoroalkyl substances; and

“(cc) the total levels of organic fluorine.

“(iii) INCLUSIONS.—The Administrator may include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances on—

“(I) the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(II) the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i).

“(iv) MONITORING.—When establishing monitoring requirements for public water systems as part of a national primary drinking water regulation under clause (i) or clause (vi)(II), the Administrator shall tailor the monitoring requirements for public water systems that do not detect or are reliably and consistently below the maximum contaminant level (as defined in section 1418(b)(2)(B)) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances subject to the national primary drinking water regulation.

“(v) HEALTH RISK REDUCTION AND COST ANALYSIS.—In meeting the requirements of paragraph (3)(C), the Administrator may rely on information available to the Administrator with respect to 1 or more specific perfluoroalkyl or polyfluoroalkyl substances to extrapolate reasoned conclusions regarding the health risks and effects of a class of perfluoroalkyl or polyfluoroalkyl substances of which the specific perfluoroalkyl or polyfluoroalkyl substances are a part.

“(vi) REGULATION OF ADDITIONAL SUBSTANCES.—

“(I) DETERMINATION.—The Administrator shall make a determination under paragraph

(1)(A), using the criteria described in clauses (i) through (iii) of that paragraph, whether to include a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances in the national primary drinking water regulation under clause (i) not later than 18 months after the later of—

“(aa) the date on which the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances is listed on the list of contaminants for consideration of regulation under paragraph (1)(B)(i); and

“(bb) the date on which—

“(AA) the Administrator has received the results of monitoring under section 1445(a)(2)(B) for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substance; or

“(BB) the Administrator has received finished water data or finished water monitoring surveys for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances from a Federal or State agency that the Administrator determines to be sufficient to make a determination under paragraph (1)(A).

“(II) PRIMARY DRINKING WATER REGULATIONS.—

“(aa) IN GENERAL.—For each perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances that the Administrator determines to regulate under subclause (I), the Administrator—

“(AA) not later than 18 months after the date on which the Administrator makes the determination, shall propose a national primary drinking water regulation for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(BB) may publish the proposed national primary drinking water regulation described in subitem (AA) concurrently with the publication of the determination to regulate the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances.

“(bb) DEADLINE.—

“(AA) IN GENERAL.—Not later than 1 year after the date on which the Administrator publishes a proposed national primary drinking water regulation under item (aa)(AA) and subject to subitem (BB), the Administrator shall take final action on the proposed national primary drinking water regulation.

“(BB) EXTENSION.—The Administrator, on publication of notice in the Federal Register, may extend the deadline under subitem (AA) by not more than 6 months.

“(vii) LIFETIME DRINKING WATER HEALTH ADVISORY.—

“(I) IN GENERAL.—Subject to subclause (II), the Administrator shall publish a health advisory under paragraph (1)(F) for a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances not later than 1 year after the later of—

“(aa) the date on which the Administrator finalizes a toxicity value for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances; and

“(bb) the date on which the Administrator validates an effective quality control and testing procedure for the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substance, if such a procedure did not exist on the date on which the toxicity value described in item (aa) was finalized.

“(II) WAIVER.—The Administrator may waive the requirements of subclause (I) with respect to a perfluoroalkyl or

polyfluoroalkyl substance or class of perfluoroalkyl and polyfluoroalkyl substances if the Administrator determines that there is a substantial likelihood that the perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances will not occur in drinking water.”.

##### SEC. 6722. MONITORING AND DETECTION.

(a) MONITORING PROGRAM FOR UNREGULATED CONTAMINANTS.—

(1) IN GENERAL.—The Administrator shall include each substance described in paragraph (2) in the fifth publication of the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)).

(2) SUBSTANCES DESCRIBED.—The substances referred to in paragraph (1) are perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances—

(A) for which a method to measure the level in drinking water has been validated by the Administrator; and

(B) that are not subject to a national primary drinking water regulation under clause (i) or (vi)(II) of subparagraph (D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g–1(b)(2)).

(3) EXCEPTION.—The perfluoroalkyl and polyfluoroalkyl substances and classes of perfluoroalkyl and polyfluoroalkyl substances included in the list of unregulated contaminants to be monitored under section 1445(a)(2)(B)(i) of the Safe Drinking Water Act (42 U.S.C. 300j–4(a)(2)(B)(i)) under paragraph (1) shall not count towards the limit of 30 unregulated contaminants to be monitored by public water systems under that section.

(b) APPLICABILITY.—

(1) IN GENERAL.—The Administrator shall—

(A) require public water systems serving more than 10,000 persons to monitor for the substances described in subsection (a)(2);

(B) subject to paragraph (2) and the availability of appropriations, require public water systems serving not fewer than 3,300 and not more than 10,000 persons to monitor for the substances described in subsection (a)(2); and

(C) subject to paragraph (2) and the availability of appropriations, ensure that only a representative sample of public water systems serving fewer than 3,300 persons are required to monitor for the substances described in subsection (a)(2).

(2) REQUIREMENT.—If the Administrator determines that there is not sufficient laboratory capacity to carry out the monitoring required under subparagraphs (B) and (C) of paragraph (1), the Administrator may waive the monitoring requirements in those subparagraphs.

(3) FUNDS.—The Administrator shall pay the reasonable cost of such testing and laboratory analysis as is necessary to carry out the monitoring required under paragraph (1) from—

(A) funds made available under subsection (a)(2)(H) or (j)(5) of section 1445 of the Safe Drinking Water Act (42 U.S.C. 300j–4); or

(B) any other funds made available for that purpose.

##### SEC. 6723. ENFORCEMENT.

Notwithstanding any other provision of law, the Administrator may not impose financial penalties for the violation of a national primary drinking water regulation (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300f)) with respect to a perfluoroalkyl or polyfluoroalkyl substance or class of perfluoroalkyl or polyfluoroalkyl substances for which a national primary drinking water regulation has been promulgated under clause (i) or (vi) of subparagraph

(D) of section 1412(b)(2) of the Safe Drinking Water Act (42 U.S.C. 300g-1(b)(2)) earlier than the date that is 5 years after the date on which the Administrator promulgates the national primary drinking water regulation.

**SEC. 6724. DRINKING WATER STATE REVOLVING FUNDS.**

Section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12) is amended—

(1) in subsection (a)(2), by adding at the end the following:

“(G) EMERGING CONTAMINANTS.—

“(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), amounts deposited under subsection (t) in a State loan fund established under this section may only be used to provide grants for the purpose of addressing emerging contaminants, with a focus on perfluoroalkyl and polyfluoroalkyl substances.

“(ii) REQUIREMENTS.—

“(I) SMALL AND DISADVANTAGED COMMUNITIES.—Not less than 25 percent of the amounts described in clause (i) shall be used to provide grants to—

“(aa) disadvantaged communities (as defined in subsection (d)(3)); or

“(bb) public water systems serving fewer than 25,000 persons.

“(II) PRIORITIES.—In selecting the recipient of a grant using amounts described in clause (i), a State shall use the priorities described in subsection (b)(3)(A).

“(iii) NO INCREASED BONDING AUTHORITY.—The amounts deposited in the State loan fund of a State under subsection (t) may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.”;

(2) in subsection (m)(1), in the matter preceding subparagraph (A), by striking “this section” and inserting “this section, except for subsections (a)(2)(G) and (t)”;

(3) by adding at the end the following:

“(t) EMERGING CONTAMINANTS.—

“(1) IN GENERAL.—Amounts made available under this subsection shall be allotted to a State as if allotted under subsection (a)(1)(D) as a capitalization grant, for deposit into the State loan fund of the State, for the purposes described in subsection (a)(2)(G).

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection \$100,000,000 for each of fiscal years 2020 through 2024, to remain available until expended.”.

#### Subtitle C—PFAS Detection

##### SEC. 6731. DEFINITIONS.

In this subtitle:

(1) DIRECTOR.—The term “Director” means the Director of the United States Geological Survey.

(2) PERFLUORINATED COMPOUND.—

(A) IN GENERAL.—The term “perfluorinated compound” means a perfluoroalkyl substance or a polyfluoroalkyl substance that is manmade with at least 1 fully fluorinated carbon atom.

(B) DEFINITIONS.—In this definition:

(i) FULLY FLUORINATED CARBON ATOM.—The term “fully fluorinated carbon atom” means a carbon atom on which all the hydrogen substituents have been replaced by fluorine.

(ii) NONFLUORINATED CARBON ATOM.—The term “nonfluorinated carbon atom” means a carbon atom on which no hydrogen substituents have been replaced by fluorine.

(iii) PARTIALLY FLUORINATED CARBON ATOM.—The term “partially fluorinated carbon atom” means a carbon atom on which some, but not all, of the hydrogen substituents have been replaced by fluorine.

(iv) PERFLUOROALKYL SUBSTANCE.—The term “perfluoroalkyl substance” means a manmade chemical of which all of the car-

bon atoms are fully fluorinated carbon atoms.

(v) POLYFLUOROALKYL SUBSTANCE.—The term “polyfluoroalkyl substance” means a manmade chemical containing a mix of fully fluorinated carbon atoms, partially fluorinated carbon atoms, and nonfluorinated carbon atoms.

##### SEC. 6732. PERFORMANCE STANDARD FOR THE DETECTION OF PERFLUORINATED COMPOUNDS.

(a) IN GENERAL.—The Director shall establish a performance standard for the detection of perfluorinated compounds.

(b) EMPHASIS.—

(1) IN GENERAL.—In developing the performance standard under subsection (a), the Director shall emphasize the ability to detect as many perfluorinated compounds present in the environment as possible using analytical methods that—

(A) achieve limits of quantitation (as defined in the document of the United States Geological Survey entitled “Analytical Methods for Chemical Analysis of Geologic and Other Materials, U.S. Geological Survey” and dated 2002); and

(B) are as sensitive as is feasible and practicable.

(2) REQUIREMENT.—In developing the performance standard under subsection (a), the Director may—

(A) develop quality assurance and quality control measures to ensure accurate sampling and testing;

(B) develop a training program with respect to the appropriate method of sample collection and analysis of perfluorinated compounds; and

(C) coordinate with the Administrator, including, if appropriate, coordinating to develop media-specific, validated analytical methods to detect individual and different perfluorinated compounds simultaneously.

##### SEC. 6733. NATIONWIDE SAMPLING.

(a) IN GENERAL.—The Director shall carry out a nationwide sampling to determine the concentration of perfluorinated compounds in estuaries, lakes, streams, springs, wells, wetlands, rivers, aquifers, and soil using the performance standard developed under section 6732(a).

(b) REQUIREMENTS.—In carrying out the sampling under subsection (a), the Director shall—

(1) first carry out the sampling at sources of drinking water near locations with known or suspected releases of perfluorinated compounds;

(2) when carrying out sampling of sources of drinking water under paragraph (1), carry out the sampling prior to any treatment of the water;

(3) survey for ecological exposure to perfluorinated compounds, with a priority in determining direct human exposure through drinking water; and

(4) consult with—

(A) States to determine areas that are a priority for sampling; and

(B) the Administrator—

(i) to enhance coverage of the sampling; and

(ii) to avoid unnecessary duplication.

(c) REPORT.—Not later than 90 days after the completion of the sampling under subsection (a), the Director shall prepare a report describing the results of the sampling and submit the report to—

(1) the Committee on Environment and Public Works and the Committee on Energy and Natural Resources of the Senate;

(2) the Committee on Energy and Commerce of the House of Representatives;

(3) the Senators of each State in which the Director carried out the sampling; and

(4) each Member of the House of Representatives that represents a district in which the Director carried out the sampling.

##### SEC. 6734. DATA USAGE.

(a) IN GENERAL.—The Director shall provide the sampling data collected under section 6733 to—

(1) the Administrator; and

(2) other Federal and State regulatory agencies on request.

(b) USAGE.—The sampling data provided under subsection (a) shall be used to inform and enhance assessments of exposure, likely health and environmental impacts, and remediation priorities.

##### SEC. 6735. COLLABORATION.

In carrying out this subtitle, the Director shall collaborate with—

(1) appropriate Federal and State regulators;

(2) institutions of higher education;

(3) research institutions; and

(4) other expert stakeholders.

##### SEC. 6736. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Director to carry out this subtitle—

(1) \$5,000,000 for fiscal year 2020; and

(2) \$10,000,000 for each of fiscal years 2021 through 2024.

#### Subtitle D—Safe Drinking Water Assistance

##### SEC. 6741. DEFINITIONS.

In this subtitle:

(1) CONTAMINANT.—The term “contaminant” means any physical, chemical, biological, or radiological substance or matter in water.

(2) CONTAMINANT OF EMERGING CONCERN; EMERGING CONTAMINANT.—The terms “contaminant of emerging concern” and “emerging contaminant” mean a contaminant—

(A) for which the Administrator has not promulgated a national primary drinking water regulation; and

(B) that may have an adverse effect on the health of individuals.

(3) FEDERAL RESEARCH STRATEGY.—The term “Federal research strategy” means the coordinated cross-agency plan for addressing critical research gaps related to detecting, assessing exposure to, and identifying the adverse health effects of emerging contaminants in drinking water developed by the Office of Science and Technology Policy in response to the report of the Committee on Appropriations of the Senate accompanying S. 1662 of the 115th Congress (S. Rept. 115-139).

(4) TECHNICAL ASSISTANCE AND SUPPORT.—The term “technical assistance and support” includes—

(A) assistance with—

(i) identifying appropriate analytical methods for the detection of contaminants;

(ii) understanding the strengths and limitations of the analytical methods described in clause (i);

(iii) troubleshooting the analytical methods described in clause (i);

(B) providing advice on laboratory certification program elements;

(C) interpreting sample analysis results;

(D) providing training with respect to proper analytical techniques;

(E) identifying appropriate technology for the treatment of contaminants; and

(F) analyzing samples, if—

(i) the analysis cannot be otherwise obtained in a practicable manner otherwise; and

(ii) the capability and capacity to perform the analysis is available at a Federal facility.

(5) WORKING GROUP.—The term “Working Group” means the Working Group established under section 6742(b)(1).

**SEC. 6742. RESEARCH AND COORDINATION PLAN FOR ENHANCED RESPONSE ON EMERGING CONTAMINANTS.**

(a) **IN GENERAL.**—The Administrator shall—

(1) review Federal efforts—  
(A) to identify, monitor, and assist in the development of treatment methods for emerging contaminants; and

(B) to assist States in responding to the human health risks posed by contaminants of emerging concern; and

(2) in collaboration with owners and operators of public water systems, States, and other interested stakeholders, establish a strategic plan for improving the Federal efforts referred to in paragraph (1).

(b) **INTERAGENCY WORKING GROUP ON EMERGING CONTAMINANTS.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Administrator and the Secretary of Health and Human Services shall jointly establish a Working Group to coordinate the activities of the Federal Government to identify and analyze the public health effects of drinking water contaminants of emerging concern.

(2) **MEMBERSHIP.**—The Working Group shall include representatives of the following:

(A) The Environmental Protection Agency, appointed by the Administrator.

(B) The following agencies, appointed by the Secretary of Health and Human Services:

(i) The National Institutes of Health.

(ii) The Centers for Disease Control and Prevention.

(iii) The Agency for Toxic Substances and Disease Registry.

(C) The United States Geological Survey, appointed by the Secretary of the Interior.

(D) Any other Federal agency the assistance of which the Administrator determines to be necessary to carry out this subsection, appointed by the head of the respective agency.

(3) **EXISTING WORKING GROUP.**—The Administrator may expand or modify the duties of an existing working group to perform the duties of the Working Group under this subsection.

(c) **NATIONAL EMERGING CONTAMINANT RESEARCH INITIATIVE.**—

(1) **FEDERAL RESEARCH STRATEGY.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of this Act, the Director of the Office of Science and Technology Policy (referred to in this subsection as the “Director”) shall coordinate with the heads of the agencies described in subparagraph (C) to establish a research initiative, to be known as the “National Emerging Contaminant Research Initiative”, that shall—

(i) use the Federal research strategy to improve the identification, analysis, monitoring, and treatment methods of contaminants of emerging concern; and

(ii) develop any necessary program, policy, or budget to support the implementation of the Federal research strategy, including mechanisms for joint agency review of research proposals, for interagency cofunding of research activities, and for information sharing across agencies.

(B) **RESEARCH ON EMERGING CONTAMINANTS.**—In carrying out subparagraph (A), the Director shall—

(i) take into consideration consensus conclusions from peer-reviewed, pertinent research on emerging contaminants; and

(ii) in consultation with the Administrator, identify priority emerging contaminants for research emphasis.

(C) **FEDERAL PARTICIPATION.**—The agencies referred to in subparagraph (A) include—

(i) the National Science Foundation;

(ii) the National Institutes of Health;

(iii) the Environmental Protection Agency;

(iv) the National Institute of Standards and Technology;

(v) the United States Geological Survey; and

(vi) any other Federal agency that contributes to research in water quality, environmental exposures, and public health, as determined by the Director.

(D) **PARTICIPATION FROM ADDITIONAL ENTITIES.**—In carrying out subparagraph (A), the Director shall consult with nongovernmental organizations, State and local governments, and science and research institutions determined by the Director to have scientific or material interest in the National Emerging Contaminant Research Initiative.

(2) **IMPLEMENTATION OF RESEARCH RECOMMENDATIONS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date on which the Director and heads of the agencies described in paragraph (1)(C) establish the National Emerging Contaminant Research Initiative under paragraph (1)(A), the head of each agency described in paragraph (1)(C) shall—

(i) issue a solicitation for research proposals consistent with the Federal research strategy; and

(ii) make grants to applicants that submit research proposals selected by the National Emerging Contaminant Research Initiative in accordance with subparagraph (B).

(B) **SELECTION OF RESEARCH PROPOSALS.**—The National Emerging Contaminant Research Initiative shall select research proposals to receive grants under this paragraph on the basis of merit, using criteria identified by the Director, including the likelihood that the proposed research will result in significant progress toward achieving the objectives identified in the Federal research strategy.

(C) **ELIGIBLE ENTITIES.**—Any entity or group of 2 or more entities may submit to the head of each agency described in paragraph (1)(C) a research proposal in response to the solicitation for research proposals described in subparagraph (A)(i), including—

(i) State and local agencies;

(ii) public institutions, including public institutions of higher education; and

(iii) private corporations; and

(iv) nonprofit organizations.

(d) **FEDERAL TECHNICAL ASSISTANCE AND SUPPORT FOR STATES.**—

(1) **STUDY.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall conduct a study on actions the Administrator can take to increase technical assistance and support for States with respect to emerging contaminants in drinking water samples.

(B) **CONTENTS OF STUDY.**—In carrying out the study described in subparagraph (A), the Administrator shall identify—

(i) methods and effective treatment options to increase technical assistance and support with respect to emerging contaminants to States, including identifying opportunities for States to improve communication with various audiences about the risks associated with emerging contaminants;

(ii) means to facilitate access to qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(iii) actions to be carried out at existing Federal laboratory facilities, including the research facilities of the Administrator, to provide technical assistance and support for States that require testing facilities for emerging contaminants.

(C) **AVAILABILITY OF ANALYTICAL RESOURCES.**—In carrying out the study described in subparagraph (A), the Administrator shall consider—

(i) the availability of—

(I) Federal and non-Federal laboratory capacity; and

(II) validated methods to detect and analyze contaminants; and

(ii) other factors determined to be appropriate by the Administrator.

(2) **REPORT.**—Not later than 18 months after the date of enactment of this Act, the Administrator shall submit to Congress a report describing the results of the study described in paragraph (1).

(3) **PROGRAM TO PROVIDE FEDERAL ASSISTANCE TO STATES.**—

(A) **IN GENERAL.**—Not later than 3 years after the date of enactment of this Act, based on the findings in the report described in paragraph (2), the Administrator shall develop a program to provide technical assistance and support to eligible States for the testing and analysis of emerging contaminants.

(B) **APPLICATION.**—

(i) **IN GENERAL.**—To be eligible for technical assistance and support under this paragraph, a State shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator may require.

(ii) **CRITERIA.**—The Administrator shall evaluate an application for technical assistance and support under this paragraph on the basis of merit using criteria identified by the Administrator, including—

(I) the laboratory facilities available to the State;

(II) the availability and applicability of existing analytical methodologies;

(III) the potency and severity of the emerging contaminant, if known; and

(IV) the prevalence and magnitude of the emerging contaminant.

(iii) **PRIORITIZATION.**—In selecting States to receive technical assistance and support under this paragraph, the Administrator—

(I) shall give priority to States with affected areas primarily in financially distressed communities;

(II) may—

(aa) waive the application process in an emergency situation; and

(bb) require an abbreviated application process for the continuation of work specified in a previously approved application that continues to meet the criteria described in clause (ii); and

(III) shall consider the relative expertise and availability of—

(aa) Federal and non-Federal laboratory capacity available to the State;

(bb) analytical resources available to the State; and

(cc) other types of technical assistance available to the State.

(C) **DATABASE OF AVAILABLE RESOURCES.**—The Administrator shall establish and maintain a database of resources available through the program developed under subparagraph (A) to assist States with testing for emerging contaminants that—

(i) is—

(I) available to States and stakeholder groups determined by the Administrator to have scientific or material interest in emerging contaminants, including—

(aa) drinking water and wastewater utilities;

(bb) laboratories;

(cc) Federal and State emergency responders;

(dd) State primacy agencies;

(ee) public health agencies; and

(ff) water associations;

(II) searchable; and

(III) accessible through the website of the Administrator; and

(ii) includes a description of—

(I) qualified contract testing laboratory facilities that conduct analyses for emerging contaminants; and

(II) the resources available in Federal laboratory facilities to test for emerging contaminants.

(D) **WATER CONTAMINANT INFORMATION TOOL.**—The Administrator shall integrate the database established under subparagraph (C) into the Water Contaminant Information Tool of the Environmental Protection Agency.

(4) **FUNDING.**—Of the amounts available to the Administrator, the Administrator may use not more than \$15,000,000 in a fiscal year to carry out this subsection.

(e) **REPORT.**—Not less frequently than once every 2 years until 2029, the Administrator shall submit to Congress a report that describes the progress made in carrying out this subtitle.

(f) **EFFECT.**—Nothing in this section modifies any obligation of a State, local government, or Indian Tribe with respect to treatment methods for, or testing or monitoring of, drinking water.

#### Subtitle E—Miscellaneous

##### SEC. 6751. PFAS DATA CALL.

Section 8(a) of the Toxic Substances Control Act (15 U.S.C. 2607(a)) is amended by adding at the end the following:

“(7) **PFAS DATA.**—Not later than January 1, 2023, the Administrator shall promulgate a rule in accordance with this subsection requiring each person who has manufactured a chemical substance that is a perfluoroalkyl or polyfluoroalkyl substance in any year since January 1, 2006, to submit to the Administrator a report that includes, for each year since January 1, 2006, the information described in paragraph (2).”

##### SEC. 6752. SIGNIFICANT NEW USE RULE FOR LONG-CHAIN PFAS.

Not later than June 22, 2020, the Administrator shall take final action on the significant new use rule proposed by the Administrator under the Toxic Substances Control Act (15 U.S.C. 2601 et seq.) in the proposed rule entitled “Long-Chain Perfluoroalkyl Carboxylate and Perfluoroalkyl Sulfonate Chemical Substances; Significant New Use Rule” (80 Fed. Reg. 2885 (January 21, 2015)).

##### SEC. 6753. PFAS DESTRUCTION AND DISPOSAL GUIDANCE.

(a) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Administrator shall publish interim guidance on the destruction and disposal of perfluoroalkyl and polyfluoroalkyl substances and materials containing perfluoroalkyl and polyfluoroalkyl substances, including—

- (1) aqueous film-forming foam;
- (2) soil and biosolids;
- (3) textiles treated with perfluoroalkyl and polyfluoroalkyl substances; and
- (4) spent filters, membranes, and other waste from water treatment.

(b) **CONSIDERATIONS; INCLUSIONS.**—The interim guidance under subsection (a) shall—

- (1) take into consideration—
  - (A) the potential for releases of perfluoroalkyl and polyfluoroalkyl substances during destruction or disposal, including through volatilization, air dispersion, or leachate; and

(B) potentially vulnerable populations living near likely destruction or disposal sites; and

(2) provide guidance on testing and monitoring air, effluent, and soil near potential destruction or disposal sites for releases described in paragraph (1)(A).

(c) **REVISIONS.**—The Administrator shall publish revisions to the interim guidance under subsection (a) as the Administrator determines to be appropriate, but not less frequently than once every 3 years.

##### SEC. 6754. PFAS RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—The Administrator, acting through the Assistant Administrator for the Office of Research and Development, shall—

(1)(A) further examine the effects of perfluoroalkyl and polyfluoroalkyl substances on human health and the environment; and

(B) make publicly available information relating to the findings under subparagraph (A);

(2) develop a process for prioritizing which perfluoroalkyl and polyfluoroalkyl substances, or classes of perfluoroalkyl and polyfluoroalkyl substances, should be subject to additional research or regulatory efforts that is based on—

(A) the potential for human exposure to the substances or classes of substances;

(B) the potential toxicity of the substances or classes of substances; and

(C) information available about the substances or classes of substances;

(3) develop new tools to characterize and identify perfluoroalkyl and polyfluoroalkyl substances in the environment, including in drinking water, wastewater, surface water, groundwater, solids, and the air;

(4) evaluate approaches for the remediation of contamination by perfluoroalkyl and polyfluoroalkyl substances in the environment; and

(5) develop and implement new tools and materials to communicate with the public about perfluoroalkyl and polyfluoroalkyl substances.

(b) **FUNDING.**—There is authorized to be appropriated to the Administrator to carry out this section \$15,000,000 for each of fiscal years 2020 through 2024.

#### TITLE LXVIII—SANCTIONS WITH RESPECT TO FOREIGN TRAFFICKERS OF ILLICIT SYNTHETIC OPIOIDS

##### SEC. 6801. SHORT TITLE.

This title may be cited as the “Fentanyl Sanctions Act”.

##### SEC. 6802. FINDINGS.

Congress makes the following findings:

(1) The Centers for Disease Control and Prevention estimate that from September 2017 through September 2018 more than 48,200 people in the United States died from an opioid overdose, with synthetic opioids (excluding methadone), contributing to a record 31,900 overdose deaths. While drug overdose death estimates from methadone, semi-synthetic opioids, and heroin have decreased in recent months, overdose deaths from synthetic opioids have continued to increase.

(2) Congress and the President have taken a number of actions to combat the demand for illicit opioids in the United States, including enacting into law the SUPPORT for Patients and Communities Act (Public Law 115-271; 132 Stat. 3894). While new statutes and regulations have reduced the rate of opioid prescriptions in recent years, fully addressing the United States opioid crisis will involve dramatically restricting the foreign supply of illicit opioids.

(3) The People's Republic of China is the world's largest producer of illicit fentanyl, fentanyl analogues, and their immediate precursors. From the People's Republic of China, those substances are shipped primarily through express consignment carriers or international mail directly to the United States, or, alternatively, shipped directly to transnational criminal organizations in Mexico, Canada, and the Caribbean.

(4) The United States and the People's Republic of China, Mexico, and Canada have made important strides in combating the illicit flow of opioids through bilateral efforts of their respective law enforcement agencies.

(5) The objective of preventing the proliferation of illicit opioids though existing

multilateral and bilateral initiatives requires additional efforts to deny illicit actors the financial means to sustain their markets and distribution networks.

(6) The implementation on May 1, 2019, of the regulations of the People's Republic of China to schedule all fentanyl analogues as controlled substances is a major step in combating global opioid trafficking and represents a major achievement in United States-China law enforcement dialogues. However, that step will effectively fulfill the commitment that President Xi Jinping of the People's Republic of China made to President Donald Trump at the Group of Twenty meeting in December 2018 only if the Government of the People's Republic of China devotes sufficient resources to full implementation and strict enforcement of the new regulations. The effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People's Republic of China into the United States, so it is in the interests of both the United States and the People's Republic of China to support the effective enforcement of the regulations.

(7) While the Department of the Treasury used the Foreign Narcotics Kingpin Designation Act (21 U.S.C. 1901 et seq.) to sanction the first synthetic opioid trafficking entity in April 2018, additional economic and financial sanctions policy tools are needed to help combat the flow of synthetic opioids into the United States.

##### SEC. 6803. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States and the health of the people of the United States;

(2) it is imperative that the People's Republic of China follow through on full implementation of the new regulations, adopted May 1, 2019, to treat all fentanyl analogues as controlled substances under the laws of the People's Republic of China, including by devoting sufficient resources for implementation and strict enforcement of the new regulations; and

(3) the effective enforcement of the new regulations should result in diminished trafficking of illicit fentanyl originating from the People's Republic of China into the United States, so it is in the interests of both the United States and the People's Republic of China to support full, effective, and strict enforcement of the regulations.

##### SEC. 6804. DEFINITIONS.

In this title:

(1) **ALIEN; NATIONAL; NATIONAL OF THE UNITED STATES.**—The terms “alien”, “national”, and “national of the United States” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.**—The term “appropriate congressional committees and leadership” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, the Select Committee on Intelligence, and the majority leader and the minority leader of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Financial Services, the Committee

on Foreign Affairs, the Committee on Homeland Security, the Committee on the Judiciary, the Permanent Select Committee on Intelligence, and the Speaker and the minority leader of the House of Representatives.

(3) **CONTROLLED SUBSTANCE; LISTED CHEMICAL.**—The terms “controlled substance”, “listed chemical”, “narcotic drug”, and “opioid” have the meanings given those terms in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(4) **ENTITY.**—The term “entity” means a partnership, joint venture, association, corporation, organization, network, group, or subgroup, or any form of business collaboration.

(5) **FOREIGN OPIOID TRAFFICKER.**—The term “foreign opioid trafficker” means any foreign person that the President determines plays a significant role in opioid trafficking.

(6) **FOREIGN PERSON.**—The term “foreign person”—

(A) means—

- (i) any citizen or national of a foreign country; or

- (ii) any entity not organized under the laws of the United States or a jurisdiction within the United States; and

(B) does not include the government of a foreign country.

(7) **KNOWINGLY.**—The term “knowingly”, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.

(8) **OPIOID TRAFFICKING.**—The term “opioid trafficking” means any illicit activity—

(A) to produce, manufacture, distribute, sell, or knowingly finance or transport illicit synthetic opioids, controlled substances that are synthetic opioids, listed chemicals that are synthetic opioids, or active pharmaceutical ingredients or chemicals that are used in the production of controlled substances that are synthetic opioids;

(B) to attempt to carry out an activity described in subparagraph (A); or

(C) to assist, abet, conspire, or collude with other persons to carry out such an activity.

(9) **PERSON.**—The term “person” means an individual or entity.

(10) **UNITED STATES PERSON.**—The term “United States person” means—

(A) any citizen or national of the United States;

(B) any alien lawfully admitted for permanent residence in the United States;

(C) any entity organized under the laws of the United States or any jurisdiction within the United States (including a foreign branch of such an entity); or

(D) any person located in the United States.

#### **Subtitle A—Sanctions With Respect to Foreign Opioid Traffickers**

### **SEC. 6811. IDENTIFICATION OF FOREIGN OPIOID TRAFFICKERS.**

(a) **PUBLIC REPORT.**—

(1) **IN GENERAL.**—The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report—

(A) identifying the foreign persons that the President determines are foreign opioid traffickers;

(B) detailing progress the President has made in implementing this subtitle; and

(C) providing an update on cooperative efforts with the Governments of Mexico and the People’s Republic of China with respect to combating foreign opioid traffickers.

(2) **IDENTIFICATION OF ADDITIONAL PERSONS.**—If, at any time after submitting a report required by paragraph (1) and before the submission of the next such report, the President determines that a foreign person not identified in the report is a foreign

opioid trafficker, the President shall submit to the appropriate congressional committees and leadership an additional report containing the information required by paragraph (1) with respect to the foreign person.

(3) **EXCLUSION.**—The President shall not be required to include in a report under paragraph (1) or (2) any persons with respect to which the United States has imposed sanctions before the date of the report under this subtitle or any other provision of law with respect to opioid trafficking.

(4) **FORM OF REPORT.**—

(A) **IN GENERAL.**—Each report required by paragraph (1) or (2) shall be submitted in unclassified form but may include a classified annex.

(B) **AVAILABILITY TO PUBLIC.**—The unclassified portion of a report required by paragraph (1) or (2) shall be made available to the public.

(b) **CLASSIFIED REPORT.**—

(1) **IN GENERAL.**—The President shall submit to the appropriate congressional committees and leadership, in accordance with subsection (c), a report, in classified form—

(A) describing in detail the status of sanctions imposed under this subtitle, including the personnel and resources directed toward the imposition of such sanctions during the preceding fiscal year;

(B) providing background information with respect to persons newly identified as foreign opioid traffickers and their illicit activities;

(C) describing actions the President intends to undertake or has undertaken to implement this subtitle; and

(D) providing a strategy for identifying additional foreign opioid traffickers.

(2) **EFFECT ON OTHER REPORTING REQUIREMENTS.**—The report required by paragraph (1) is in addition to the obligations of the President to keep Congress fully and currently informed pursuant to the provisions of the National Security Act of 1947 (50 U.S.C. 3001 et seq.).

(c) **SUBMISSION OF REPORTS.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter until the date that is 5 years after such date of enactment, the President shall submit the reports required by subsections (a) and (b) to the appropriate congressional committees and leadership.

(d) **EXCLUSION OF CERTAIN INFORMATION.**—

(1) **INTELLIGENCE.**—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Director of National Intelligence determines that such disclosure could compromise an intelligence operation, activity, source, or method of the United States.

(2) **LAW ENFORCEMENT.**—Notwithstanding any other provision of this section, a report required by subsection (a) or (b) shall not disclose the identity of any person if the Attorney General, in coordination, as appropriate, with the Director of the Federal Bureau of Investigation, the Administrator of the Drug Enforcement Administration, the Secretary of the Treasury, the Secretary of State, and the head of any other appropriate Federal law enforcement agency, determines that such disclosure could reasonably be expected—

(A) to compromise the identity of a confidential source, including a State, local, or foreign agency or authority or any private institution that furnished information on a confidential basis;

(B) to jeopardize the integrity or success of an ongoing criminal investigation or prosecution;

(C) to endanger the life or physical safety of any person; or

(D) to cause substantial harm to physical property.

(3) **NOTIFICATION REQUIRED.**—If the Director of National Intelligence makes a determination under paragraph (1) or the Attorney General makes a determination under paragraph (2), the Director or the Attorney General, as the case may be, shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(4) **RULE OF CONSTRUCTION.**—Nothing in this section may be construed to authorize or compel the disclosure of information determined by the President to be law enforcement information, national security information, or other information the disclosure of which is prohibited by any other provision of law.

(e) **PROVISION OF INFORMATION REQUIRED FOR REPORTS.**—The Secretary of the Treasury, the Attorney General, the Secretary of Defense, the Secretary of State, the Secretary of Homeland Security, and the Director of National Intelligence shall consult among themselves and provide to the President and the Director of the Office of National Drug Control Policy the appropriate and necessary information to enable the President to submit the reports required by subsection (a).

### **SEC. 6812. SENSE OF CONGRESS ON INTERNATIONAL OPIOID CONTROL REGIME.**

It is the sense of Congress that, in order to apply economic and other financial sanctions to foreign traffickers of illicit opioids to protect the national security, foreign policy, and economy of the United States—

(1) the President should instruct the Secretary of State to commence immediately diplomatic efforts, both in appropriate international fora such as the United Nations, the Group of Seven, the Group of Twenty, and bilaterally and multilaterally with partners of the United States, to combat foreign opioid trafficking, including by working to establish a multilateral sanctions regime with respect to foreign opioid trafficking; and

(2) the Secretary of State, in consultation with the Secretary of the Treasury, should intensify efforts to maintain and strengthen the coalition of countries formed to combat foreign opioid trafficking.

### **SEC. 6813. IMPOSITION OF SANCTIONS.**

The President shall impose five or more of the sanctions described in section 6814 with respect to each foreign person that is an entity, and four or more of such sanctions with respect to each foreign person that is an individual, that—

(1) is identified as a foreign opioid trafficker in a report submitted under section 6811(a); or

(2) the President determines is owned, controlled, directed by, knowingly supplying or sourcing precursors for, or acting for or on behalf of, such a foreign opioid trafficker.

### **SEC. 6814. DESCRIPTION OF SANCTIONS.**

(a) **IN GENERAL.**—The sanctions that may be imposed with respect to a foreign person under section 6813 are the following:

(1) **LOANS FROM UNITED STATES FINANCIAL INSTITUTIONS.**—The United States Government may prohibit any United States financial institution from making loans or providing credits to the foreign person.

(2) **PROHIBITIONS ON FINANCIAL INSTITUTIONS.**—The following prohibitions may be imposed with respect to a foreign person that is a financial institution:

(A) **PROHIBITION ON DESIGNATION AS PRIMARY DEALER.**—Neither the Board of Governors of the Federal Reserve System nor the Federal Reserve Bank of New York may designate, or permit the continuation of any prior designation of, the financial institution as a primary dealer in United States Government debt instruments.

(B) PROHIBITION ON SERVICE AS A REPOSITORY OF GOVERNMENT FUNDS.—The financial institution may not serve as agent of the United States Government or serve as repository for United States Government funds. The imposition of either sanction under subparagraph (A) or (B) shall be treated as one sanction for purposes of section 6813, and the imposition of both such sanctions shall be treated as 2 sanctions for purposes of that section.

(3) PROCUREMENT BAN.—The United States Government may not procure, or enter into any contract for the procurement of, any goods or services from the foreign person.

(4) FOREIGN EXCHANGE.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which the foreign person has any interest.

(5) BANKING TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the foreign person.

(6) PROPERTY TRANSACTIONS.—The President may, pursuant to such regulations as the President may prescribe, prohibit any person from—

(A) acquiring, holding, withholding, using, transferring, withdrawing, or transporting any property that is subject to the jurisdiction of the United States and with respect to which the foreign person has any interest;

(B) dealing in or exercising any right, power, or privilege with respect to such property; or

(C) conducting any transaction involving such property.

(7) BAN ON INVESTMENT IN EQUITY OR DEBT OF SANCTIONED PERSON.—The President may, pursuant to such regulations or guidelines as the President may prescribe, prohibit any United States person from investing in or purchasing significant amounts of equity or debt instruments of the foreign person.

(8) EXCLUSION OF CORPORATE OFFICERS.—The President may direct the Secretary of State to deny a visa to, and the Secretary of Homeland Security to exclude from the United States, any alien that the President determines is a corporate officer or principal of, or a shareholder with a controlling interest in, the foreign person.

(9) SANCTIONS ON PRINCIPAL EXECUTIVE OFFICERS.—The President may impose on the principal executive officer or officers of the foreign person, or on individuals performing similar functions and with similar authorities as such officer or officers, any of the sanctions described in paragraphs (1) through (8) that are applicable.

(b) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of any regulation, license, or order issued to carry out subsection (a) shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(c) EXCEPTIONS.—

(1) INTELLIGENCE AND LAW ENFORCEMENT ACTIVITIES.—Sanctions under this section shall not apply with respect to—

(A) any activity subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.); or

(B) any authorized intelligence and law enforcement activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (a)(8) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(d) IMPLEMENTATION; REGULATORY AUTHORITY.—

(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

(2) REGULATORY AUTHORITY.—The President shall issue such regulations, licenses, and orders as are necessary to carry out this section.

#### SEC. 6815. WAIVERS.

(a) WAIVER FOR STATE-OWNED FINANCIAL INSTITUTIONS IN COUNTRIES THAT COOPERATE IN MULTILATERAL ANTI-TRAFFICKING EFFORTS.—

(1) IN GENERAL.—The President may waive for a period of not more than 12 months the application of sanctions under this subtitle with respect to a financial institution that is owned or controlled, directly or indirectly, by a foreign government or any political subdivision, agency, or instrumentality of a foreign government, if, not less than 15 days before the waiver is to take effect, the President certifies to the appropriate congressional committees and leadership that the foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking.

(2) CERTIFICATION.—The President may certify under paragraph (1) that a foreign government is closely cooperating with the United States in efforts to prevent opioid trafficking if that government is—

(A) implementing domestic laws to schedule all fentanyl analogues as controlled substances; and

(B) doing two or more of the following:

(i) Implementing substantial improvements in regulations involving the chemical and pharmaceutical production and export of illicit opioids.

(ii) Implementing substantial improvements in judicial regulations to combat transnational criminal organizations that traffic opioids.

(iii) Increasing efforts to prosecute foreign opioid traffickers.

(iv) Increasing intelligence sharing and law enforcement cooperation with the United States with respect to opioid trafficking.

(3) SUBSEQUENT RENEWAL OF WAIVER.—The President may renew a waiver under paragraph (1) for subsequent periods of not more than 12 months each if, not less than 15 days before the renewal is to take effect, the Director of National Intelligence certifies to the appropriate congressional committees and leadership that the government of the country to which the waiver applies has effectively implemented and is effectively enforcing the measures that formed the basis for the certification under paragraph (2).

(b) WAIVERS FOR NATIONAL SECURITY AND ACCESS TO PRESCRIPTION MEDICATIONS.—

(1) IN GENERAL.—The President may waive the application of sanctions under this subtitle if the President determines that the application of such sanctions would harm—

(A) the national security interests of the United States; or

(B) subject to paragraph (2), the access of United States persons to prescription medications.

(2) MONITORING.—The President shall establish a monitoring program to verify that a person that receives a waiver under paragraph (1)(B) is not trafficking illicit opioids.

(3) NOTIFICATION.—Not later than 15 days after making a determination under paragraph (1), the President shall notify the appropriate congressional committees and leadership of the determination and the reasons for the determination.

(c) HUMANITARIAN WAIVER.—The President may waive, for renewable periods of 180 days, the application of the sanctions under this subtitle if the President certifies to the appropriate congressional committees and leadership that the waiver is necessary for the provision of humanitarian assistance.

#### SEC. 6816. PROCEDURES FOR JUDICIAL REVIEW OF CLASSIFIED INFORMATION.

(a) IN GENERAL.—If a finding under this subtitle, or a prohibition, condition, or penalty imposed as a result of any such finding, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the President may submit such information to the court *ex parte* and in camera.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to confer or imply any right to judicial review of any finding under this subtitle, or any prohibition, condition, or penalty imposed as a result of any such finding.

#### SEC. 6817. BRIEFINGS ON IMPLEMENTATION.

Not later than 90 days after the date of the enactment of the Pentanyl Sanctions Act, and every 180 days thereafter until the date that is 5 years after such date of enactment, the President, acting through the Secretary of State, in coordination with the Secretary of the Treasury, shall provide to the appropriate congressional committees and leadership a comprehensive briefing on efforts to implement this subtitle.

#### SEC. 6818. INCLUSION OF ADDITIONAL MATERIAL IN INTERNATIONAL NARCOTICS CONTROL STRATEGY REPORT.

Section 489(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(a)) is amended by adding at the end the following:

“(9)(A) An assessment conducted by the Secretary of State, in consultation with the Secretary of the Treasury, of the extent to which any diplomatic efforts described in section 6812 of the Pentanyl Sanctions Act have been successful.

“(B) Each assessment required by subparagraph (A) shall include an identification of—

“(i) the countries the governments of which have agreed to undertake measures to apply economic or other financial sanctions to foreign traffickers of illicit opioids and a description of those measures; and

“(ii) the countries the governments of which have not agreed to measures described in clause (i), and, with respect to those countries, other measures the Secretary of State recommends that the United States take to apply economic and other financial sanctions to foreign traffickers of illicit opioids.”.

#### Subtitle B—Commission on Combating Synthetic Opioid Trafficking

#### SEC. 6821. COMMISSION ON COMBATING SYNTHETIC OPIOID TRAFFICKING.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established a commission to develop a consensus on a strategic approach to combating the flow of synthetic opioids into the United States.

(2) DESIGNATION.—The commission established under paragraph (1) shall be known as



the “Commission on Synthetic Opioid Trafficking” (in this section referred to as the “Commission”).

(b) MEMBERSHIP.—

(1) COMPOSITION.—

(A) IN GENERAL.—Subject to subparagraph (B), the Commission shall be composed of the following members:

(i) The Administrator of the Drug Enforcement Administration.

(ii) The Secretary of Homeland Security.

(iii) The Secretary of Defense.

(iv) The Secretary of the Treasury.

(v) The Secretary of State.

(vi) Two members appointed by the majority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(vii) Two members appointed by the minority leader of the Senate, one of whom shall be a Member of the Senate and one of whom shall not be.

(viii) Two members appointed by the Speaker of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.

(ix) Two members appointed by the minority leader of the House of Representatives, one of whom shall be a Member of the House of Representatives and one of whom shall not be.

(B)(i) The members of the Commission who are not Members of Congress and who are appointed under clauses (vi) through (ix) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) transnational criminal organizations conducting synthetic opioid trafficking;

(II) the production, manufacturing, distribution, sale, or transportation of synthetic opioids; or

(III) relations between—

(aa) the United States; and

(bb) the People's Republic of China, Mexico, or any other country of concern with respect to trafficking in synthetic opioids.

(ii) An official who appoints members of the Commission may not appoint an individual as a member of the Commission if the individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(iii)(I) All members of the Commission described in clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(II) For the purpose of facilitating the activities of the Commission, the Director of National Intelligence shall expedite to the fullest degree possible the processing of security clearances that are necessary for members of the Commission.

(2) CO-CHAIRS.—

(A) IN GENERAL.—The Commission shall have 2 co-chairs, selected from among the members of the Commission, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party.

(B) SELECTION.—The individuals who serve as the co-chairs of the Commission shall be jointly agreed upon by the President, the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(c) DUTIES.—The duties of the Commission are as follows:

(1) To define the core objectives and priorities of the strategic approach described in subsection (a)(1).

(2) To weigh the costs and benefits of various strategic options to combat the flow of synthetic opioids from the People's Republic of China, Mexico, and other countries.

(3) To evaluate whether the options described in paragraph (2) are exclusive or complementary, the best means for executing such options, and how the United States should incorporate and implement such options within the strategic approach described in subsection (a)(1).

(4) To review and make determinations on the difficult choices present within such options, among them what norms-based regimes the United States should seek to establish to encourage the effective regulation of dangerous synthetic opioids.

(5) To report on efforts by actors in the People's Republic of China to subvert United States laws and to supply illicit synthetic opioids to persons in the United States, including up-to-date estimates of the scale of illicit synthetic opioids flows from the People's Republic of China.

(6) To report on the deficiencies in the regulation of pharmaceutical and chemical production of controlled substances and export controls with respect to such substances in the People's Republic of China and other countries that allow opioid traffickers to subvert such regulations and controls to traffic illicit opioids into the United States.

(7) To report on the scale of contaminated or counterfeit drugs originating from the People's Republic of China and India.

(8) To report on how the United States could work more effectively with provincial and local officials in the People's Republic of China and other countries to combat the illicit production of synthetic opioids.

(9) In weighing the options for defending the United States against the dangers of trafficking in synthetic opioids, to consider possible structures and authorities that need to be established, revised, or augmented within the Federal Government.

(d) FUNCTIONING OF COMMISSION.—The provisions of subsections (c), (d), (e), (g), (h), (i), and (m) of section 1652 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (Public Law 115-232) shall apply to the Commission to the same extent and in the same manner as such provisions apply to the commission established under that section, except that—

(1) subsection (c)(1) of that section shall be applied and administered by substituting “30 days” for “45 days”;

(2) subsection (g)(4)(A) of that section shall be applied and administered by inserting “and the Attorney General” after “Secretary of Defense”; and

(3) subsections (h)(2)(A) and (i)(1)(A) of that section shall be applied and administered by substituting “level V of the Executive Schedule under section 5316” for “level IV of the Executive Schedule under section 5315”.

(e) TREATMENT OF INFORMATION RELATING TO NATIONAL SECURITY.—

(1) RESPONSIBILITY OF DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this section.

(2) INFORMATION PROVIDED BY CONGRESS.—Any information related to the national security of the United States that is provided to the Commission by the appropriate congressional committees and leadership may not be further provided or released without the approval of the chairperson of the committee, or the Member of Congress, as the case may be, that provided the information to the Commission.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (h), only the members

and designated staff of the appropriate congressional committees and leadership, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch as the President may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(f) REPORTS.—The Commission shall submit to the appropriate congressional committees and leadership—

(1) not later than 270 days after the date of the enactment of this Act, an initial report on the activities and recommendations of the Commission under this section; and

(2) not later than 270 days after the submission of the initial report under paragraph (1), a final report on the activities and recommendations of the Commission under this section.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$5,000,000 for each of fiscal years 2020 through 2023 to carry out this section.

(h) TERMINATION.—

(1) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate at the end of the 120-day period beginning on the date on which the final report required by subsection (f)(2) is submitted to the appropriate congressional committees and leadership.

(2) WINDING UP OF AFFAIRS.—The Commission may use the 120-day period described in paragraph (1) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report required by subsection (f)(2) and disseminating the report.

#### Subtitle C—Other Matters

#### SEC. 6831. DIRECTOR OF NATIONAL INTELLIGENCE PROGRAM ON USE OF INTELLIGENCE RESOURCES IN EFFORTS TO SANCTION FOREIGN OPIOID TRAFFICKERS.

(a) PROGRAM REQUIRED.—

(1) IN GENERAL.—The Director of National Intelligence shall, with the concurrence of the Director of the Office of National Drug Control Policy, carry out a program to allocate and enhance use of resources of the intelligence community, including intelligence collection and analysis, to assist the Secretary of the Treasury, the Secretary of State, and the Administrator of the Drug Enforcement Administration in efforts to identify and impose sanctions with respect to foreign opioid traffickers under subtitle A.

(2) FOCUS ON ILLICIT FINANCE.—To the extent practicable, efforts described in paragraph (1) shall—

(A) take into account specific illicit finance risks related to narcotics trafficking; and

(B) be developed in consultation with the Undersecretary of the Treasury for Terrorism and Financial Crimes, appropriate officials of the Office of Intelligence and Analysis of the Department of the Treasury, the Director of the Financial Crimes Enforcement Network, and appropriate Federal law enforcement agencies.

(b) REVIEW OF COUNTERNARCOTICS EFFORTS OF THE INTELLIGENCE COMMUNITY.—The Director of National Intelligence shall, in coordination with the Director of the Office of National Drug Control Policy, carry out a comprehensive review of the current intelligence collection priorities of the intelligence community for counternarcotics purposes in order to identify whether such priorities are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs.

(c) REPORTS.—



(1) **QUARTERLY REPORTS ON PROGRAM.**—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a report on the status and accomplishments of the program required by subsection (a) during the 90-day period ending on the date of the report. The first report under this paragraph shall also include a description of the amount of funds devoted by the intelligence community to the efforts described in subsection (a) during each of fiscal years 2017 and 2018.

(2) **REPORT ON REVIEW.**—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence and the Director of the Office of National Drug Control Policy shall jointly submit to the appropriate congressional committees and leadership a comprehensive description of the results of the review required by subsection (b), including whether the priorities described in that subsection are appropriate and sufficient in light of the number of lives lost in the United States each year due to use of illegal drugs. If the report concludes that such priorities are not so appropriate and sufficient, the report shall also include a description of the actions to be taken to modify such priorities in order to assure that such priorities are so appropriate and sufficient.

(d) **INTELLIGENCE COMMUNITY DEFINED.**—In this section, the term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

#### **SEC. 6832. DEPARTMENT OF DEFENSE FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Defense to carry out the operations and activities described in subsection (b) \$25,000,000 for each of fiscal years 2020 through 2025.

(b) **OPERATIONS AND ACTIVITIES.**—The operations and activities described in this subsection are the operations and activities of the Department of Defense in support of any other department or agency of the United States Government solely for purposes of carrying out this title.

(c) **SUPPLEMENT NOT SUPPLANT.**—Amounts made available under subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) **NOTIFICATION REQUIREMENT.**—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President's intention to obligate such funds.

(e) **CONCURRENCE OF SECRETARY OF STATE.**—Operations and activities described in subsection (b) carried out with foreign persons shall be conducted with the concurrence of the Secretary of State.

#### **SEC. 6833. DEPARTMENT OF STATE FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of State to carry out the operations and activities described in subsection (b) \$25,000,000 for each of fiscal years 2020 through 2025.

(b) **OPERATIONS AND ACTIVITIES DESCRIBED.**—The operations and activities described in this subsection are the operations and activities of the Department of State in carrying out this title.

(c) **SUPPLEMENT NOT SUPPLANT.**—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) **NOTIFICATION REQUIREMENT.**—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President's intention to obligate such funds.

#### **SEC. 6834. DEPARTMENT OF THE TREASURY FUNDING.**

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of the Treasury to carry out the operations and activities described in subsection (b) \$25,000,000 for each of fiscal years 2020 through 2025.

(b) **OPERATIONS AND ACTIVITIES DESCRIBED.**—The operations and activities described in this subsection are the operations and activities of the Department of the Treasury in carrying out this title.

(c) **SUPPLEMENT NOT SUPPLANT.**—Amounts authorized to be appropriated by subsection (a) shall supplement and not supplant other amounts available to carry out the operations and activities described in subsection (b).

(d) **NOTIFICATION REQUIREMENT.**—Amounts authorized to be appropriated by subsection (a) may not be obligated until 15 days after the date on which the President notifies the appropriate committees of Congress of the President's intention to obligate such funds.

#### **SEC. 6835. TERMINATION.**

The provisions of this title, and any sanctions imposed pursuant to this title, shall terminate on the date that is 7 years after the date of the enactment of this Act.

#### **SEC. 6836. EXCEPTION RELATING TO IMPORTATION OF GOODS.**

(a) **IN GENERAL.**—The authorities and requirements to impose sanctions under this title shall not include the authority or a requirement to impose sanctions on the importation of goods.

(b) **GOOD DEFINED.**—In this section, the term “good” means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

#### **SEC. 6837. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.**

In this subtitle, the term “appropriate committees of Congress” means—

(1) the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Select Committee on Intelligence, and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Financial Services, the Committee on Foreign Affairs, the Permanent Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives.

#### **TITLE LXIX—OTTO WARMBIER BANKING RESTRICTIONS INVOLVING NORTH KOREA ACT OF 2019**

##### **SEC. 6901. SHORT TITLE.**

This title may be cited as the “Otto Warmbier Banking Restrictions Involving North Korea Act of 2019”.

##### **Subtitle A—Sanctions With Respect to North Korea**

##### **SEC. 6911. FINDINGS.**

Congress finds the following:

(1) Since 2006, the United Nations Security Council has adopted 10 resolutions imposing sanctions against North Korea under chapter VII of the United Nations Charter, which—

(A) prohibit the use, development, and proliferation of weapons of mass destruction by North Korea;

(B) prohibit the supply, sale, or transfer of arms and related materiel to or from North Korea;

(C) prohibit the transfer of luxury goods to North Korea;

(D) restrict access by North Korea to financial services that could contribute to nuclear, missile, or other programs related to the development of weapons of mass destruction;

(E) restrict North Korean shipping, including the registration, reflagging, or insuring of North Korean ships;

(F) prohibit, with limited exceptions, North Korean exports of coal, precious metals, iron, vanadium, and rare earth minerals;

(G) prohibit the transfer to North Korea of rocket, aviation, or jet fuel, as well as gasoline, condensates, and natural gas liquids;

(H) prohibit new work authorization for North Korean laborers and require the repatriation of all North Korean laborers by December 2019;

(I) prohibit exports of North Korean food and agricultural products, including seafood;

(J) prohibit joint ventures or cooperative commercial entities or expanding joint ventures with North Korea;

(K) prohibit exports of North Korean textiles;

(L) require member countries of the United Nations to seize, inspect, and impound any ship in its jurisdiction that is suspected of violating Security Council resolutions with respect to North Korea and to interdict and inspect all cargo heading to or from North Korea by land, sea, or air;

(M) limit the transfer to North Korea of refined petroleum products and crude oil;

(N) ban the sale or transfer to North Korea of industrial machinery, transportation vehicles, electronics, iron, steel, and other metals;

(O) reduce North Korean diplomatic staff numbers in member countries of the United Nations and expel any North Korean diplomats found to be working on behalf of a person subject to sanctions or assisting in sanctions evasion;

(P) limit North Korean diplomatic missions abroad with respect to staff size and access to banking privileges and prohibit commerce from being conducted out of North Korean consular or diplomatic offices;

(Q) require member states of the United Nations to close representative offices, subsidiaries, and bank accounts in North Korea;

(R) prohibit countries from providing or receiving military training to or from North Korea or hosting North Koreans for specialized teaching or training that could contribute to the programs of North Korea related to the development of weapons of mass destruction;

(S) ban countries from granting landing and flyover rights to North Korean aircraft; and

(T) prohibit trade in statuary of North Korean origin.

(2) The Government of North Korea has threatened to carry out nuclear attacks against the United States, South Korea, and Japan.

(3) The Government of North Korea tested its sixth and largest nuclear device on September 3, 2017.

(4) According to a report by the International Atomic Energy Agency released in August 2018, “The continuation and further development of the DPRK’s nuclear programme and related statements by the DPRK are a cause for grave concern. The DPRK’s nuclear activities, including those in relation to the Yongbyon Experimental Nuclear Power Plant (5 MW(e)) reactor, the use of the building which houses the reported centrifuge enrichment facility and the construction at the light water reactor, as well as the DPRK’s sixth nuclear test, are clear violations of relevant UN Security Council

resolutions, including resolution 2375 (2017) and are deeply regrettable.”.

(5) In July 2018, Secretary of State Mike Pompeo testified to the Committee on Foreign Relations of the Senate that North Korea “continue[s] to produce fissile material” despite public pledges by North Korean leader Kim Jong-un to denuclearize.

(6) The 2019 Missile Defense Review conducted by the Department of Defense states that North Korea “continues to pose an extraordinary threat and the United States must remain vigilant. In the past, North Korea frequently issued explicit nuclear missile threats against the United States and allies, all the while working aggressively to field the capability to strike the U.S. homeland with nuclear-armed ballistic missiles. Over the past decade, it has invested considerable resources in its nuclear and ballistic missile programs, and undertaken extensive nuclear and missile testing in order to realize the capability to threaten the U.S. homeland with missile attack. As a result, North Korea has neared the time when it could credibly do so.”.

(7) Financial transactions and investments that provide financial resources to the Government of North Korea, and that fail to incorporate adequate safeguards against the misuse of those financial resources, pose an undue risk of contributing to—

(A) weapons of mass destruction programs of that Government; and

(B) efforts to evade restrictions required by the United Nations Security Council on imports or exports of arms and related material, services, or technology by that Government.

(8) The Federal Bureau of Investigation has determined that the Government of North Korea was responsible for cyberattacks against entities in the United States, South Korea, and around the world.

(9) In November 2017, President Donald Trump designated the government of North Korea as a state sponsor of terrorism pursuant to authorities under the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect at the time under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.), and the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(10) On February 22, 2018, the Secretary of State determined that the Government of North Korea was responsible for the lethal nerve agent attack in 2017 on Kim Jong Nam, the half-brother of North Korean leader Kim Jong-un, in Malaysia, triggering sanctions required under the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(11) The strict enforcement of sanctions is essential to the efforts of the international community to achieve the peaceful, complete, verifiable, and irreversible dismantlement of weapons of mass destruction programs of the Government of North Korea.

#### SEC. 6912. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States is committed to working with its allies and partners to halt the nuclear and ballistic missile programs of North Korea through a policy of maximum pressure and diplomatic engagement;

(2) the imposition of sanctions, including those under this title, should not be construed to limit the authority of the President to fully engage in diplomatic negotiations to further the policy objective described in paragraph (1);

(3) the successful use of sanctions to halt the nuclear and ballistic missile programs of North Korea is part of a broader diplomatic and economic strategy that relies on effective

coordination among relevant Federal agencies and officials, as well as with international partners of the United States; and

(4) the coordination described in paragraph (3) should include proper vetting of external messaging and communications from all parts of the Executive branch to ensure that those communications are an intentional component of and aligned with the strategy of the United States with respect to North Korea.

#### SEC. 6913. DEFINITIONS.

In this subtitle, the terms “applicable Executive order”, “applicable United Nations Security Council resolution”, “appropriate congressional committees”, “Government of North Korea”, “North Korea”, and “North Korean financial institution” have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).

#### PART I—EXPANSION OF SANCTIONS AND RELATED MATTERS

#### SEC. 6921. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS.

(a) IN GENERAL.—Title II of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9221 et seq.) is amended by inserting after the item relating to section 201A the following:

#### “SEC. 201B. SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS THAT PROVIDE FINANCIAL SERVICES TO CERTAIN SANCTIONED PERSONS.

“(a) IN GENERAL.—The Secretary of the Treasury shall impose one or more of the sanctions described in subsection (b) with respect to a foreign financial institution that the Secretary determines, on or after the date that is 90 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, knowingly provides significant financial services to any person designated for the imposition of sanctions under—

“(1) subsection (a) or (b) of section 104;

“(2) an applicable Executive order; or

“(3) an applicable United Nations Security Council resolution.

“(b) SANCTIONS DESCRIBED.—The sanctions that may be imposed with respect to a foreign financial institution subject to subsection (a) are the following:

“(1) ASSET BLOCKING.—The Secretary may block and prohibit, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), all transactions in all property and interests in property of the foreign financial institution if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

“(2) RESTRICTIONS ON CORRESPONDENT AND PAYABLE-THROUGH ACCOUNTS.—The Secretary may prohibit, or impose strict conditions on, the opening or maintaining in the United States of a correspondent account or a payable-through account by the foreign financial institution.

“(c) IMPLEMENTATION; PENALTIES.—

“(1) IMPLEMENTATION.—The President may exercise all authorities provided under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.

“(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the

same extent as a person that commits an unlawful act described in subsection (a) of that section.

“(d) REGULATIONS.—Not later than 180 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, the President shall, as appropriate, prescribe regulations to carry out this section.

“(e) EXCEPTION RELATING TO IMPORTATION OF GOODS.—

“(1) IN GENERAL.—Notwithstanding section 404(b) or any provision of this section, the authorities and requirements to impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.

“(2) GOOD DEFINED.—In this subsection, the term ‘good’ means any article, natural or manmade substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.

“(f) DEFINITIONS.—In this section:

“(1) ACCOUNT; CORRESPONDENT ACCOUNT; PAYABLE-THROUGH ACCOUNT.—The terms ‘account’, ‘correspondent account’, and ‘payable-through account’ have the meanings given those terms in section 5318A of title 31, United States Code.

“(2) FINANCIAL INSTITUTION.—The term ‘financial institution’ means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Y) of section 5312(a)(2) of title 31, United States Code.

“(3) FOREIGN FINANCIAL INSTITUTION.—The term ‘foreign financial institution’ shall have the meaning of that term as determined by the Secretary of the Treasury.

“(4) KNOWINGLY.—The term ‘knowingly’, with respect to conduct, a circumstance, or a result, means that a person has actual knowledge, or should have known, of the conduct, the circumstance, or the result.”.

(b) CLERICAL AMENDMENT.—The table of contents for the North Korea Sanctions and Policy Enhancement Act of 2016 is amended by inserting after the item relating to section 201A the following:

“201B. Sanctions with respect to foreign financial institutions that provide financial services to certain sanctioned persons.”.

#### SEC. 6922. EXTENSION OF APPLICABILITY PERIOD OF PROLIFERATION PREVENTION SANCTIONS.

Section 203(b)(2) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9223(b)(2)) is amended by striking “2 years” and inserting “5 years”.

#### SEC. 6923. SENSE OF CONGRESS ON IDENTIFICATION AND BLOCKING OF PROPERTY OF NORTH KOREAN OFFICIALS.

It is the sense of Congress that the President should—

(1) encourage international collaboration through the Financial Action Task Force and its global network to utilize its standards and apply means at its disposal to counter the money laundering, terrorist financing, and proliferation financing threats emanating from North Korea; and

(2) prioritize multilateral efforts to identify and block—

(A) any property owned or controlled by a North Korean official; and

(B) any significant proceeds of kleptocracy by the Government of North Korea or a North Korean official.

#### SEC. 6924. MODIFICATION OF REPORT ON IMPLEMENTATION OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS BY OTHER GOVERNMENTS.

Section 317 of the Korean Interdiction and Modernization of Sanctions Act (title III of Public Law 115-44; 131 Stat. 950) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “Not later than 180 days after the date of the enactment of this Act, and annually thereafter for 5 years,” and inserting “Not later than 180 days after the date of the enactment of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019, and annually thereafter for 5 years.”;

(B) in paragraph (3), by striking “; or” and inserting a semicolon;

(C) by redesignating paragraph (4) as paragraph (8); and

(D) by inserting after paragraph (3) the following:

“(4) prohibit, in the territories of such countries or by persons subject to the jurisdiction of such governments, the opening of new joint ventures or cooperative entities with North Korean persons or the expansion of existing joint ventures through additional investments, whether or not for or on behalf of the Government of North Korea, unless such joint ventures or cooperative entities have been approved by the Committee of the United Nations Security Council established by United Nations Security Council Resolution 1718 (2006);

“(5) prohibit the unauthorized clearing of funds by North Korean financial institutions through financial institutions subject to the jurisdiction of such governments;

“(6) prohibit the unauthorized conduct of commercial trade with North Korea that is prohibited under applicable United Nations Security Council resolutions;

“(7) prevent the provision of financial services to North Korean persons or the transfer of financial services to North Korean persons to, through, or from the territories of such countries or by persons subject to the jurisdiction of such governments; or”;

(2) by amending subsection (c) to read as follows:

“(c) DEFINITIONS.—In this section:

“(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term ‘appropriate congressional committees and leadership’ means—

“(A) the Committee on Foreign Relations, the Committee on Banking, Housing, and Urban Affairs, and the majority and minority leaders of the Senate; and

“(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Speaker, the majority leader, and the minority leader of the House of Representatives.

“(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION; NORTH KOREAN FINANCIAL INSTITUTION; NORTH KOREAN PERSON.—The terms ‘applicable United Nations Security Council resolution’, ‘North Korean financial institution’, and ‘North Korean person’ have the meanings given those terms in section 3 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9202).”.

#### **SEC. 6925. REPORT ON USE BY THE GOVERNMENT OF NORTH KOREA OF BENEFICIAL OWNERSHIP RULES TO ACCESS THE INTERNATIONAL FINANCIAL SYSTEM.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall submit to the appropriate congressional committees a report setting forth the findings of the Secretary regarding how the Government of North Korea is exploiting laws with respect to the beneficial owner of an entity in order to access the international financial system.

(b) ELEMENTS.—The Secretary shall include in the report required under subsection (a) proposals for such legislative and administrative action as the Secretary considers appropriate to combat the abuse by the Government of North Korea of shell companies and other similar entities to avoid or evade sanctions.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

### **PART II—CONGRESSIONAL REVIEW AND OVERSIGHT**

#### **SEC. 6931. NOTIFICATION OF TERMINATION OR SUSPENSION OF SANCTIONS.**

Not less than 15 days before taking any action to terminate or suspend the application of sanctions under this subtitle or an amendment made by this subtitle, the President shall notify the appropriate congressional committees of the President's intent to take the action and the reasons for the action.

#### **SEC. 6932. REPORTS ON CERTAIN LICENSING ACTIONS.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President shall submit to the appropriate congressional committees a report on the operation of the system for issuing licenses for transactions under covered regulatory provisions during the preceding 180-day period that includes—

(1) the number and types of such licenses applied for during that period; and

(2) the number and types of such licenses issued during that period.

(b) COVERED REGULATORY PROVISION DEFINED.—In this section, the term “covered regulatory provision” means any of the following provisions, as in effect on the day before the date of the enactment of this Act and as such provisions relate to North Korea:

(1) Part 743, 744, or 746 of title 15, Code of Federal Regulations.

(2) Part 510 of title 31, Code of Federal Regulations.

(3) Any other provision of title 31, Code of Federal Regulations.

(c) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

#### **SEC. 6933. BRIEFINGS ON IMPLEMENTATION AND ENFORCEMENT OF SANCTIONS.**

Not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on efforts relating to the implementation and enforcement of United States sanctions with respect to North Korea, including appropriate updates on the efforts of the Department of the Treasury to address compliance with such sanctions by foreign financial institutions.

#### **SEC. 6934. REPORT ON FINANCIAL NETWORKS AND FINANCIAL METHODS OF THE GOVERNMENT OF NORTH KOREA.**

(a) REPORT REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2025, the President shall submit to the appropriate congressional committees a report on sources of external support for the Government of North Korea that includes—

(A) a description of the methods used by the Government of North Korea to deal in, transact in, or conceal the ownership, control, or origin of goods and services exported by North Korea;

(B) an assessment of the relationship between the proliferation of weapons of mass destruction by the Government of North Korea and the financial industry or financial institutions;

(C) an assessment of the relationship between the acquisition by the Government of North Korea of military expertise, equipment, and technology and the financial industry or financial institutions;

(D) a description of the export by any person to the United States of goods, services, or technology that are made with significant amounts of North Korean labor, material, or

goods, including minerals, manufacturing, seafood, overseas labor, or other exports from North Korea;

(E) an assessment of the involvement of any person in human trafficking involving citizens or nationals of North Korea;

(F) a description of how the President plans to address the flow of funds generated by activities described in subparagraphs (A) through (E), including through the use of sanctions or other means;

(G) an assessment of the extent to which the Government of North Korea engages in criminal activities, including money laundering, to support that Government;

(H) information relating to the identification, blocking, and release of property described in section 201B(b)(1) of the North Korea Sanctions and Policy Enhancement Act of 2016, as added by section 1721;

(I) a description of the metrics used to measure the effectiveness of law enforcement and diplomatic initiatives of Federal, State, and foreign governments to comply with the provisions of applicable United Nations Security Council resolutions; and

(J) an assessment of the effectiveness of programs within the financial industry to ensure compliance with United States sanctions, applicable United Nations Security Council resolutions, and applicable Executive orders.

(2) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

(b) INTERAGENCY COORDINATION.—The President shall ensure that any information collected pursuant to subsection (a) is shared among the Federal departments and agencies involved in investigations described in section 102(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9212(b)).

#### **SEC. 6935. REPORT ON COUNTRIES OF CONCERN WITH RESPECT TO TRANSSHIPMENT, REEXPORTATION, OR DIVERSION OF CERTAIN ITEMS TO NORTH KOREA.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter through 2023, the Director of National Intelligence shall submit to the President, the Secretary of Defense, the Secretary of Commerce, the Secretary of State, the Secretary of the Treasury, and the appropriate congressional committees a report that identifies all countries that the Director determines are of concern with respect to transshipment, reexportation, or diversion of items subject to the provisions of the Export Administration Regulations under subchapter C of chapter VII of title 15, Code of Federal Regulations, to an entity owned or controlled by the Government of North Korea.

(b) FORM.—Each report required by subsection (a) shall be submitted in unclassified form but may include a classified annex.

### **PART III—GENERAL MATTERS**

#### **SEC. 6941. RULEMAKING.**

The President shall prescribe such rules and regulations as may be necessary to carry out this subtitle and amendments made by this subtitle.

#### **SEC. 6942. AUTHORITY TO CONSOLIDATE REPORTS.**

(a) IN GENERAL.—Any and all reports required to be submitted to the appropriate congressional committees under this subtitle or an amendment made by this subtitle that are subject to a deadline for submission consisting of the same unit of time may be consolidated into a single report that is submitted pursuant to that deadline.

(b) CONTENTS.—Any reports consolidated under subsection (a) shall contain all information required under this subtitle or an amendment made by this subtitle and any

other elements that may be required by existing law.

**SEC. 6943. WAIVERS, EXEMPTIONS, AND TERMINATION.**

(a) APPLICATION AND MODIFICATION OF EXEMPTIONS AND WAIVERS FROM NORTH KOREA SANCTIONS AND POLICY ENHANCEMENT ACT OF 2016.—Section 208 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9228) is amended—

(1) by inserting “201B,” after “201A,” each place it appears; and

(2) in subsection (c), by inserting “, not less than 15 days before the waiver takes effect,” after “if the President”.

(b) SUSPENSION.—

(1) IN GENERAL.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle, and any sanctions imposed pursuant to this subtitle or any such amendment, may be suspended for up to one year if the President makes the certification described in section 401 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9251) to the appropriate congressional committees.

(2) RENEWAL.—A suspension under paragraph (1) may be renewed in accordance with section 401(b) of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9251(b)).

(c) TERMINATION.—Subject to section 1731, any requirement to impose sanctions under this subtitle or the amendments made by this subtitle, and any sanctions imposed pursuant to this subtitle or any such amendment, shall terminate on the date on which the President makes the certification described in section 402 of the North Korea Sanctions and Policy Enhancement Act of 2016 (22 U.S.C. 9252).

**SEC. 6944. PROCEDURES FOR REVIEW OF CLASSIFIED INFORMATION.**

(a) IN GENERAL.—If a finding under this subtitle or an amendment made by this subtitle, a prohibition, condition, or penalty imposed as a result of any such finding, or a penalty imposed under this subtitle or an amendment made by this subtitle, is based on classified information (as defined in section 1(a) of the Classified Information Procedures Act (18 U.S.C. App.)) and a court reviews the finding or the imposition of the prohibition, condition, or penalty, the Secretary of the Treasury may submit such information to the court ex parte and in camera.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to confer or imply any right to judicial review of any finding under this subtitle or an amendment made by this subtitle, any prohibition, condition, or penalty imposed as a result of any such finding, or any penalty imposed under this subtitle or an amendment made by this subtitle.

**SEC. 6945. BRIEFING ON RESOURCING OF SANCTIONS PROGRAMS.**

Not later than 30 days after the date of the enactment of this Act, the Secretary of the Treasury shall provide to the appropriate congressional committees a briefing on—

(1) the resources allocated by the Department of the Treasury to support each sanctions program administered by the Department; and

(2) recommendations for additional authorities or resources necessary to expand the capacity or capability of the Department related to implementation and enforcement of such programs.

**SEC. 6946. BRIEFING ON PROLIFERATION FINANCING.**

(a) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall provide

to the appropriate congressional committees a briefing on addressing proliferation finance.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) The Department of the Treasury’s definition and description of an appropriate risk-based approach to combating financing of the proliferation of weapons of mass destruction.

(2) An assessment of—

(A) Federal financial regulatory agency oversight, including by the Financial Crimes Enforcement Network, of United States financial institutions and the adoption by their foreign subsidiaries, branches, and correspondent institutions of a risk-based approach to proliferation financing; and

(B) whether financial institutions in foreign jurisdictions known by the United States intelligence and law enforcement communities to be jurisdictions through which North Korea moves substantial sums of licit and illicit finance are applying a risk-based approach to proliferation financing, and if that approach is comparable to the approach required by United States financial institution supervisors.

(3) A survey of the technical assistance the Office of Technical Assistance of the Department of the Treasury, and other appropriate Executive branch offices, currently provide foreign institutions on implementing counter-proliferation financing best practices.

(4) An assessment of the ability of foreign subsidiaries, branches, and correspondent institutions of United States financial institutions to implement a risk-based approach to proliferation financing.

**Subtitle B—Divestment From North Korea**

**SEC. 6951. AUTHORITY OF STATE AND LOCAL GOVERNMENTS TO DIVEST FROM COMPANIES THAT INVEST IN NORTH KOREA.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that the United States should support the decision of any State or local government made for moral, prudential, or reputational reasons, to divest from, or prohibit the investment of assets of the State or local government in, a person that engages in investment activities described in subsection (c) if North Korea is subject to economic sanctions imposed by the United States or the United Nations Security Council.

(b) AUTHORITY TO DIVEST.—Notwithstanding any other provision of law, a State or local government may adopt and enforce measures that meet the requirements of subsection (d) to divest the assets of the State or local government from, or prohibit investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (c).

(c) INVESTMENT ACTIVITIES DESCRIBED.—Investment activities described in this subsection are activities of a value of more than \$10,000 relating to an investment in North Korea or in goods or services originating in North Korea that are not conducted pursuant to a license issued by the Department of the Treasury.

(d) REQUIREMENTS.—Any measure taken by a State or local government under subsection (b) shall meet the following requirements:

(1) NOTICE.—The State or local government shall provide written notice to each person with respect to which a measure under this section is to be applied.

(2) TIMING.—The measure applied under this section shall apply to a person not ear-

lier than the date that is 90 days after the date on which written notice under paragraph (1) is provided to the person.

(3) OPPORTUNITY TO DEMONSTRATE COMPLIANCE.—

(A) IN GENERAL.—The State or local government shall provide to each person with respect to which a measure is to be applied under this section an opportunity to demonstrate to the State or local government that the person does not engage in investment activities described in subsection (c).

(B) NONAPPLICATION.—If a person with respect to which a measure is to be applied under this section demonstrates to the State or local government under subparagraph (A) that the person does not engage in investment activities described in subsection (c), the measure shall not apply to that person.

(4) SENSE OF CONGRESS ON AVOIDING ERRONEOUS TARGETING.—It is the sense of Congress that a State or local government should not adopt a measure under subsection (b) with respect to a person unless the State or local government has—

(A) made every effort to avoid erroneously targeting the person; and

(B) verified that the person engages in investment activities described in subsection (c).

(e) NOTICE TO DEPARTMENT OF JUSTICE.—Not later than 30 days before a State or local government applies a measure under this section, the State or local government shall notify the Attorney General of that measure.

**(f) AUTHORIZATION FOR PRIOR APPLIED MEASURES.—**

(1) IN GENERAL.—Notwithstanding any other provision of this section or any other provision of law, a State or local government may enforce a measure (without regard to the requirements of subsection (d), except as provided in paragraph (2)) applied by the State or local government before the date of the enactment of this Act that provides for the divestment of assets of the State or local government from, or prohibits the investment of the assets of the State or local government in, any person that the State or local government determines, using credible information available to the public, engages in investment activities described in subsection (c) that are identified in that measure.

(2) APPLICATION OF NOTICE REQUIREMENTS.—A measure described in paragraph (1) shall be subject to the requirements of paragraphs (1), (2), and (3)(A) of subsection (d) on and after the date that is 2 years after the date of the enactment of this Act.

(g) NO PREEMPTION.—A measure applied by a State or local government that is consistent with subsection (b) or (f) is not preempted by any Federal law.

(h) DEFINITIONS.—In this section:

(1) ASSET.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term “asset” means public monies, and includes any pension, retirement, annuity, endowment fund, or similar instrument, that is controlled by a State or local government.

(B) EXCEPTION.—The term “asset” does not include employee benefit plans covered by title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.).

(2) INVESTMENT.—The term “investment” includes—

(A) a commitment or contribution of funds or property;

(B) a loan or other extension of credit; and

(C) the entry into or renewal of a contract for goods or services.

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2) and subsection (f), this section applies to measures applied by a State or

local government before, on, or after the date of the enactment of this Act.

(2) NOTICE REQUIREMENTS.—Except as provided in subsection (f), subsections (d) and (e) apply to measures applied by a State or local government on or after the date of the enactment of this Act.

**SEC. 6952. SAFE HARBOR FOR CHANGES OF INVESTMENT POLICIES BY ASSET MANAGERS.**

Section 13(c)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a-13(c)(1)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period and inserting “; or”; and

(3) by adding at the end the following:

“(C) engage in investment activities described in section 1751(c) of the Otto Warmbier Banking Restrictions Involving North Korea Act of 2019.”.

**SEC. 6953. SENSE OF CONGRESS REGARDING CERTAIN ERISA PLAN INVESTMENTS.**

It is the sense of Congress that—

(1) a fiduciary of an employee benefit plan, as defined in section 3(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(3)), may divest plan assets from, or avoid investing plan assets in, any person the fiduciary determines engages in investment activities described in section 6951(c), if—

(A) the fiduciary makes that determination using credible information that is available to the public; and

(B) the fiduciary prudently determines that the result of that divestment or avoidance of investment would not be expected to provide the employee benefit plan with—

(i) a lower rate of return than alternative investments with commensurate degrees of risk; or

(ii) a higher degree of risk than alternative investments with commensurate rates of return; and

(2) by divesting assets or avoiding the investment of assets as described in paragraph (1), the fiduciary is not breaching the responsibilities, obligations, or duties imposed upon the fiduciary by subparagraph (A) or (B) of section 404(a)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1104(a)(1)).

**SEC. 6954. RULE OF CONSTRUCTION.**

Nothing in this subtitle, an amendment made by this subtitle, or any other provision of law authorizing sanctions with respect to North Korea shall be construed to affect or displace—

(1) the authority of a State or local government to issue and enforce rules governing the safety, soundness, and solvency of a financial institution subject to its jurisdiction; or

(2) the regulation and taxation by the several States of the business of insurance, pursuant to the Act of March 9, 1945 (59 Stat. 33, chapter 20; 15 U.S.C. 1011 et seq.) (commonly known as the “McCarran-Ferguson Act”).

**Subtitle C—Financial Industry Guidance to Halt Trafficking**

**SEC. 6961. SHORT TITLE.**

This subtitle may be cited as the “Financial Industry Guidance to Halt Trafficking Act” or the “FIGHT Act”.

**SEC. 6962. FINDINGS.**

Congress finds the following:

(1) The terms “human trafficking” and “trafficking in persons” are used interchangeably to describe crimes involving the exploitation of a person for the purposes of compelled labor or commercial sex through the use of force, fraud, or coercion.

(2) According to the International Labour Organization, there are an estimated

24,900,000 people worldwide who are victims of forced labor, including human trafficking victims in the United States.

(3) Human trafficking is perpetrated for financial gain.

(4) According to the International Labour Organization, of the estimated \$150,000,000,000 or more in global profits generated annually from human trafficking—

(A) approximately  $\frac{2}{3}$  are generated by commercial sexual exploitation, exacted by fraud or by force; and

(B) approximately  $\frac{1}{3}$  are generated by forced labor.

(5) Most purchases of commercial sex acts are paid for with cash, making trafficking proceeds difficult to identify in the financial system. Nonetheless, traffickers rely heavily on access to financial institutions as destinations for trafficking proceeds and as conduits to finance every step of the trafficking process.

(6) Under section 1956 of title 18, United States Code (relating to money laundering), human trafficking is a “specified unlawful activity” and transactions conducted with proceeds earned from trafficking people, or used to further trafficking operations, can be prosecuted as money laundering offenses.

**SEC. 6963. SENSE OF CONGRESS.**

It is the sense of Congress that—

(1) the President should aggressively apply, as appropriate, existing sanctions for human trafficking authorized under section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108);

(2) the Financial Crimes Enforcement Network of the Department of the Treasury should continue—

(A) to monitor reporting required under subchapter II of chapter 53 of title 31, United States Code (commonly known as the “Bank Secrecy Act”) and to update advisories, as warranted;

(B) to periodically review its advisories to provide covered financial institutions, as appropriate, with a list of new “red flags” for identifying activities of concern, particularly human trafficking;

(C) to encourage entities covered by the advisories described in subparagraph (B) to incorporate relevant elements provided in the advisories into their current transaction and account monitoring systems or in policies, procedures, and training on human trafficking to enable financial institutions to maintain ongoing efforts to examine transactions and accounts;

(D) to use geographic targeting orders, as appropriate, to impose additional reporting and recordkeeping requirements under section 5326(a) of title 31, United States Code, to carry out the purposes of, and prevent evasions of the Bank Secrecy Act; and

(E) to utilize the Bank Secrecy Act Advisory Group and other relevant entities to identify opportunities for nongovernmental organizations to share relevant actionable information on human traffickers’ use of the financial sector for nefarious purposes;

(3) Federal banking regulators, the Department of the Treasury, relevant law enforcement agencies, and the Human Smuggling and Trafficking Center, in partnership with representatives from the United States financial community, should adopt regular forms of sharing information to disrupt human trafficking, including developing protocols and procedures to share actionable information between and amongst covered institutions, law enforcement, and the United States intelligence community;

(4) training front line bank and money service business employees, school teachers, law enforcement officers, foreign service officers, counselors, and the general public is an important factor in identifying trafficking victims;

(5) the Department of Homeland Security’s Blue Campaign, training by the BEST Employers Alliance, and similar efforts by industry, human rights, and nongovernmental organizations focused on human trafficking provide good examples of current efforts to educate employees of critical sectors to save victims and disrupt trafficking networks;

(6) the President should intensify diplomatic efforts, bilaterally and in appropriate international fora, such as the United Nations, to develop and implement a coordinated, consistent, multilateral strategy for addressing the international financial networks supporting human trafficking; and

(7) in deliberations between the United States Government and any foreign country, including through participation in the Egmont Group of Financial Intelligence Units, regarding money laundering, corruption, and transnational crimes, the United States Government should—

(A) encourage cooperation by foreign governments and relevant international fora in identifying the extent to which the proceeds from human trafficking are being used to facilitate terrorist financing, corruption, or other illicit financial crimes;

(B) encourage cooperation by foreign governments and relevant international fora in identifying the nexus between human trafficking and money laundering;

(C) advance policies that promote the cooperation of foreign governments, through information sharing, training, or other measures, in the enforcement of this subtitle;

(D) encourage the Financial Action Task Force to update its July 2011 typology reports entitled, “Laundering the Proceeds of Corruption” and “Money Laundering Risks Arising from Trafficking in Human Beings and Smuggling of Migrants”, to identify the money laundering risk arising from the trafficking of human beings; and

(E) encourage the Egmont Group of Financial Intelligence Units to study the extent to which human trafficking operations are being used for money laundering, terrorist financing, or other illicit financial purposes.

**SEC. 6964. COORDINATION OF HUMAN TRAFFICKING ISSUES BY THE OFFICE OF TERRORISM AND FINANCIAL INTELLIGENCE.**

(a) FUNCTIONS.—Section 312(a)(4) of title 31, United States Code, is amended—

(1) by redesignating subparagraphs (E), (F), and (G) as subparagraphs (F), (G), and (H), respectively; and

(2) by inserting after subparagraph (D) the following:

“(E) combating illicit financing relating to human trafficking;”.

(b) INTERAGENCY COORDINATION.—Section 312(a) of such title is amended by adding at the end the following:

“(8) INTERAGENCY COORDINATION.—The Secretary of the Treasury, after consultation with the Undersecretary for Terrorism and Financial Crimes, shall designate an office within the OTFI that shall coordinate efforts to combat the illicit financing of human trafficking with—

“(A) other offices of the Department of the Treasury;

“(B) other Federal agencies, including—

“(i) the Office to Monitor and Combat Trafficking in Persons of the Department of State; and

“(ii) the Interagency Task Force to Monitor and Combat Trafficking;

“(C) State and local law enforcement agencies; and

“(D) foreign governments.”.

**SEC. 6965. STRENGTHENING THE ROLE OF ANTI-MONEY LAUNDERING AND OTHER FINANCIAL TOOLS IN COMBATING HUMAN TRAFFICKING.**

(a) INTERAGENCY TASK FORCE RECOMMENDATIONS TARGETING MONEY LAUNDERING RELATED TO HUMAN TRAFFICKING.—

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Interagency Task Force to Monitor and Combat Trafficking shall submit to the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, and the Committee on the Judiciary of the Senate, the Committee on Financial Services, the Committee on Foreign Affairs, and the Committee on the Judiciary of the House of Representatives, the Secretary of the Treasury, and each appropriate Federal banking agency—

(A) an analysis of anti-money laundering efforts of the United States Government, United States financial institutions, and multilateral development banks related to human trafficking; and

(B) appropriate legislative, administrative, and other recommendations to strengthen efforts against money laundering relating to human trafficking.

(2) REQUIRED RECOMMENDATIONS.—The recommendations under paragraph (1) shall include—

(A) best practices based on successful anti-human trafficking programs currently in place at domestic and international financial institutions that are suitable for broader adoption;

(B) feedback from stakeholders, including victims of severe trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Human Trafficking, civil society organizations, and financial institutions on policy proposals derived from the analysis conducted by the task force referred to in paragraph (1) that would enhance the efforts and programs of financial institutions to detect and deter money laundering related to human trafficking, including any recommended changes to internal policies, procedures, and controls related to human trafficking;

(C) any recommended changes to training programs at financial institutions to better equip employees to deter and detect money laundering related to human trafficking; and

(D) any recommended changes to expand human trafficking-related information sharing among financial institutions and between such financial institutions, appropriate law enforcement agencies, and appropriate Federal agencies.

(b) ADDITIONAL REPORTING REQUIREMENT.—Section 105(d)(7) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7103(d)(7)) is amended—

(1) in the matter preceding subparagraph (A)—

(A) by inserting “the Committee on Financial Services,” after “the Committee on Foreign Affairs”; and

(B) by inserting “the Committee on Banking, Housing, and Urban Affairs,” after “the Committee on Foreign Relations.”;

(2) in subparagraph (Q)(vii), by striking “; and” and inserting a semicolon;

(3) in subparagraph (R), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(S) the efforts of the United States to eliminate money laundering related to human trafficking and the number of investigations, arrests, indictments, and convictions in money laundering cases with a nexus to human trafficking.”.

(c) REQUIRED REVIEW OF PROCEDURES.—Not later than 180 days after the date of the en-

actment of this Act, the Federal Financial Institutions Examination Council, in consultation with the Secretary of the Treasury, victims of severe forms of trafficking in persons, advocates of persons at risk of becoming victims of severe forms of trafficking in persons, the United States Advisory Council on Trafficking, civil society organizations, the private sector, and appropriate law enforcement agencies, shall—

(1) review and enhance training and examinations procedures to improve the surveillance capabilities of anti-money laundering and countering the financing of terrorism programs to detect human trafficking-related financial transactions;

(2) review and enhance procedures for referring potential human trafficking cases to the appropriate law enforcement agency; and

(3) determine, as appropriate, whether requirements for financial institutions and covered financial institutions are sufficient to detect and deter money laundering related to human trafficking.

(d) LIMITATIONS.—Nothing in this section shall be construed to—

(1) grant rulemaking authority to the Interagency Task Force to Monitor and Combat Trafficking; or

(2) authorize financial institutions to deny services to or violate the privacy of victims of trafficking, victims of severe forms of trafficking, or individuals not responsible for promoting severe forms of trafficking in persons.

**SEC. 6966. SENSE OF CONGRESS ON RESOURCES TO COMBAT HUMAN TRAFFICKING.**

It is the sense of Congress that—

(1) adequate funding should be provided for critical Federal efforts to combat human trafficking;

(2) the Department of the Treasury should have the appropriate resources to vigorously investigate human trafficking networks under section 111 of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7108) and other relevant statutes and Executive orders;

(3) the Department of the Treasury and the Department of Justice should each have the capacity and appropriate resources to support technical assistance to develop foreign partners’ ability to combat human trafficking through strong national anti-money laundering and countering the financing of terrorism programs;

(4) each United States Attorney’s Office should be provided appropriate funding to increase the number of personnel for community education and outreach and investigative support and forensic analysis related to human trafficking; and

(5) the Department of State should be provided additional resources, as necessary, to carry out the Survivors of Human Trafficking Empowerment Act (section 115 of Public Law 114–22; 129 Stat. 243).

**TITLE LXXVIII—MILITARY CONSTRUCTION GENERAL PROVISIONS**

**SEC. 7801. PRIORITIZATION OF PROJECTS IN ANNUAL REPORT ON UNFUNDED REQUIREMENTS FOR LABORATORY MILITARY CONSTRUCTION PROJECTS.**

Section 2806 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115–91; 10 U.S.C. 222a note) is amended—

(1) by striking “Assistant Secretary of Defense for Energy, Installations, and Environment” and inserting “Under Secretary of Defense for Acquisition and Sustainment”;

(2) by striking “reporting” and inserting “report”; and

(3) by inserting “in prioritized order, with specific accounts and program elements identified,” after “evaluation facilities.”.

**SEC. 7802. PROHIBITION ON USE OF FUNDS TO REDUCE AIR BASE RESILIENCY OR DEMOLISH PROTECTED AIRCRAFT SHELTERS IN THE EUROPEAN THEATER WITHOUT CREATING A SIMILAR PROTECTION FROM ATTACK.**

(a) INEFFECTIVENESS OF SECTION 2802.—Section 2802 shall have no force or effect.

(b) PROHIBITION.—No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that reduces air base resiliency or demolishes protected aircraft shelters in the European theater, and the Department may not otherwise implement any such activity, without creating a similar protection from attack in the European theater until such time as the Secretary of Defense certifies to the congressional defense committees that protected aircraft shelters are not required in the European theater.

**SEC. 7803. PROHIBITION ON USE OF FUNDS TO CLOSE OR RETURN TO THE HOST NATIONAL ANY EXISTING AIR BASE.**

(a) INEFFECTIVENESS OF SECTION 2803.—Section 2803 shall have no force or effect.

(b) PROHIBITION.—No funds authorized to be appropriated by this Act for fiscal year 2020 for the Department of Defense may be obligated or expended to implement any activity that closes or returns to the host nation any existing air base, and the Department may not otherwise implement any such activity, until such time as the Secretary of Defense certifies that there is no longer a need for a rotational military presence in the European theater.

**SEC. 7804. REPORT ON UNFUNDED REQUIREMENTS FOR MAJOR AND MINOR MILITARY CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS OF THE DEPARTMENT OF DEFENSE AND INCREASE OF MAXIMUM AMOUNTS FOR SUCH MINOR PROJECTS.**

(a) REPORT.—

(1) IN GENERAL.—The Under Secretary of Defense for Personnel and Readiness, in coordination with the Assistant Secretary for Energy, Installations, and Environment for each military department, shall submit to the congressional defense committees each year, at the time the budget of the President for the fiscal year beginning in such year is submitted to Congress under section 1105(a) of title 31, United States Code, a report, in priority order, listing unfunded requirements for major and minor military construction projects for child development centers of the Department of Defense.

(2) INCLUSION OF FORM.—Each report submitted under paragraph (1) shall include a Department of Defense Form DD1391 for each major and minor military construction project included in the report.

(b) INCREASED MAXIMUM AMOUNTS APPLICABLE TO MINOR CONSTRUCTION PROJECTS FOR CHILD DEVELOPMENT CENTERS.—

(1) IN GENERAL.—For the purpose of any minor military construction project for a child development center carried out on or after the date of the enactment of this Act, the amount specified in section 2805(a)(2) of title 10, United States Code, is deemed to be \$15,000,000.

(2) SUNSET.—This subsection shall terminate on the date that is three years after the date of the enactment of this Act.

(c) SENSE OF THE SENATE.—It is the Sense of the Senate that the Senate recognizes the need for additional investment in child development centers and remains committed to ensuring that future executable requirements for child development centers are funded as much as possible beginning in fiscal year 2020 based on the list of unfunded requirements included in the report submitted under subsection (a).



**SEC. 7805. MODIFICATION OF AUTHORIZED USES OF CERTAIN PROPERTY CONVEYED BY THE UNITED STATES IN LOS ANGELES, CALIFORNIA.**

(a) IN GENERAL.—Section 2 of Public Law 85-236 (71 Stat. 517) is amended in the first sentence by inserting after “for other military purposes” the following: “and for purposes of meeting the needs of the homeless (as that term is defined in section 103 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11302))”.

(b) MODIFICATION OF USE.—

(1) APPLICATION.—The State of California may submit to the Administrator of General Services an application for use of the property conveyed pursuant to section 2 of Public Law 85-236 for purposes of meeting the needs of the homeless in accordance with the amendment made by subsection (a).

(2) REVIEW OF APPLICATION.—

(A) IN GENERAL.—Not later than 60 days after the date of receipt of an application pursuant to paragraph (1), the Administrator and the Secretary of Health and Human Services shall jointly determine whether the use of the property described in the application is a use for purposes of meeting the needs of the homeless.

(B) CONCURRENCE BY SECRETARY OF THE ARMY.—If the Administrator and the Secretary of Health and Human Services jointly determine that the use of the property described in the application is for purposes of meeting the needs of the homeless, the Administrator shall request concurrence by the Secretary of the Army that the proposed use to meet the needs of the homeless does not preclude current and anticipated future use of the property for training of the National Guard and for other military purposes.

(3) MODIFICATION OF INSTRUMENT OF CONVEYANCE.—If the Secretary of the Army concurs that the proposed use to meet the needs of the homeless does not preclude current and anticipated future use of the property for training of the National Guard and for other military purposes, the Administrator shall execute and record in the appropriate office an instrument of modification of the deed of conveyance executed pursuant to Public Law 85-236 in order to authorize such use of the property. The instrument shall include such additional terms and conditions as the Administrator considers appropriate to protect the interests of the United States.

**TITLE LXXXI—DEPARTMENT OF ENERGY  
NATIONAL SECURITY PROGRAMS**

**SEC. 8101. IMPLEMENTATION OF COMMON FINANCIAL REPORTING SYSTEM FOR NUCLEAR SECURITY ENTERPRISE.**

Not more than 90 percent of the funds authorized to be appropriated by section 3101 for the National Nuclear Security Administration for fiscal year 2020 for Federal salaries and expenses and available for travel and transportation may be obligated or expended before the date on which the Administrator for Nuclear Security completes implementation of the common financial reporting system for the nuclear security enterprise as required by section 3113(a) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 50 U.S.C. 2512 note).

**SEC. 8102. MODIFICATION TO CERTAIN REQUIREMENTS RELATING TO PLUTONIUM PIT PRODUCTION CAPACITY.**

(a) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) rebuilding a robust plutonium pit production infrastructure with a capacity of up to 80 pits per year is critical to maintaining the viability of the nuclear stockpile;

(2) that effort will require cooperation from experts across the nuclear security enterprise; and

(3) any further delay to achieving a plutonium sustainment capability to support the

planned stockpile life extension programs will result in an unacceptable capability gap to our deterrent posture.

(b) MODIFICATION TO REQUIREMENTS.—Section 4219 of the Atomic Energy Defense Act (50 U.S.C. 2538a) is amended—

(1) in subsection (a), by striking paragraph (5) and inserting the following:

“(5) during 2030, produces not less than 80 war reserve plutonium pits.”;

(2) by striking subsection (b);

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

(4) in subsection (b), as redesignated by paragraph (2), by striking “2027 (or, if the authority under subsection (b) is exercised, 2029)” and inserting “2030”; and

(5) in subsection (c), as redesignated by paragraph (2), by striking “subsection (c)” and inserting “subsection (b)”.

**TITLE LXXXII—DEFENSE NUCLEAR  
FACILITIES SAFETY BOARD**

**SEC. 8202. MEMBERSHIP OF DEFENSE NUCLEAR FACILITIES SAFETY BOARD.**

The text of section 3202(b)(1)(A) is hereby deemed to read as follows:

“(1) in paragraph (1), by striking the second sentence and inserting the following new sentences: ‘A member may be reappointed for a second term only if the member was confirmed by the Senate more than two years into the member’s first term. A member may not be reappointed for a third term.’”.

**TITLE LXXXV—MARITIME  
ADMINISTRATION**

**SEC. 8500. INEFFECTIVENESS OF TITLE XXXV.**

Title XXXV and the amendment made by that title shall have no force or effect.

**SEC. 8501. SHORT TITLE.**

This title may be cited as the “Maritime Administration Authorization and Enhancement Act of 2019”.

**Subtitle A—Maritime Administration**

**SEC. 8511. AUTHORIZATION OF THE MARITIME ADMINISTRATION.**

(a) IN GENERAL.—There are authorized to be appropriated to the Department of Transportation for fiscal year 2020, to be available without fiscal year limitation if so provided in appropriations Acts, for programs associated with maintaining the United States Merchant Marine, the following amounts:

(1) For expenses necessary for operations of the United States Merchant Marine Academy, \$95,944,000, of which—

(A) \$77,944,000 shall remain available until September 30, 2021 for Academy operations; and

(B) \$18,000,000 shall remain available until expended for capital asset management at the Academy.

(2) For expenses necessary to support the State maritime academies, \$50,280,000, of which—

(A) \$2,400,000 shall remain available until September 30, 2021, for the Student Incentive Program;

(B) \$6,000,000 shall remain available until expended for direct payments to such academies;

(C) \$30,080,000 shall remain available until expended for maintenance and repair of State maritime academy training vessels;

(D) \$3,800,000 shall remain available until expended for training ship fuel assistance; and

(E) \$8,000,000 shall remain available until expended for offsetting the costs of training ship sharing.

(3) For expenses necessary to support the National Security Multi-Mission Vessel Program, \$600,000,000, which shall remain available until expended.

(4) For expenses necessary to support Maritime Administration operations and pro-

grams, \$60,442,000, of which \$5,000,000 shall remain available until expended for activities authorized under section 50307 of title 46, United States Code.

(5) For expenses necessary to dispose of vessels in the National Defense Reserve Fleet, \$5,000,000, which shall remain available until expended.

(6) For expenses necessary to maintain and preserve a United States flag Merchant Marine to serve the national security needs of the United States under chapter 531 of title 46, United States Code, \$300,000,000, which shall remain available until expended.

(7) For expenses necessary for the loan guarantee program authorized under chapter 537 of title 46, United States Code, \$33,000,000, of which—

(A) \$30,000,000 may be used for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program, which shall remain available until expended; and

(B) \$3,000,000 may be used for administrative expenses relating to loan guarantee commitments under the program.

(8) For expenses necessary to provide assistance to small shipyards and for maritime training programs under section 54101 of title 46, United States Code, \$40,000,000, which shall remain available until expended.

(9) For expenses necessary to implement the Port and Intermodal Improvement Program, \$600,000,000, except that no funds shall be used for a grant award to purchase fully automated cargo handling equipment that is remotely operated or remotely monitored with or without the exercise of human intervention or control, if the Secretary determines such equipment would result in a net loss of jobs that relate to the movement of goods through a port and its intermodal connections.

**SEC. 8512. MARITIME SECURITY PROGRAM.**

(a) AWARD OF OPERATING AGREEMENTS.—Section 53103 of title 46, United States Code, is amended by striking “2025” each place it appears and inserting “2035”.

(b) EFFECTIVENESS OF OPERATING AGREEMENTS.—Section 53104(a) of title 46, United States Code, is amended by striking “2025” and inserting “2035”.

(c) PAYMENTS.—Section 53106(a)(1) of title 46, United States Code, is amended—

(1) in subparagraph (B), by striking “and” after the semicolon;

(2) in subparagraph (C), by striking “\$3,700,000 for each of fiscal years 2022, 2023, 2024, and 2025.” and inserting “\$5,233,463 for each of fiscal years 2022, 2023, 2024, and 2025; and”; and

(3) by adding at the end the following:

“(D) \$5,233,463 for each of fiscal years 2026 through 2035.”.

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 53111 of title 46, United States Code, is amended—

(1) in paragraph (2), by striking “and” after the semicolon;

(2) in paragraph (3), by striking “\$222,000,000 for each fiscal year thereafter through fiscal year 2025.” and inserting “\$314,007,780 for each of fiscal years 2022, 2023, 2024, and 2025; and”; and

(3) by adding at the end the following:

“(4) \$314,007,780 for each of fiscal years 2026 through 2035.”.

**SEC. 8513. DEPARTMENT OF TRANSPORTATION INSPECTOR GENERAL REPORT.**

The Inspector General of the Department of Transportation shall—

(1) not later than 180 days after the date of enactment of this title, initiate an audit of the Maritime Administration’s actions to address only those recommendations from Chapter 3 and recommendations 5-1, 5-2, 5-3, 5-4, 5-5, and 5-6 identified by a National



Academy of Public Administration panel in the November 2017 report entitled “Maritime Administration: Defining its Mission, Aligning its Programs, and Meeting its Objectives”; and

(2) submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report containing the results of that audit once the audit is completed.

**SEC. 8514. APPOINTMENT OF CANDIDATES ATTENDING SPONSORED PREPARATORY SCHOOL.**

Section 51303 of title 46, United States Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) IN GENERAL.—The Secretary”; and

(2) by adding at the end the following:

“(b) APPOINTMENT OF CANDIDATES SELECTED FOR PREPARATORY SCHOOL SPONSORSHIP.—The Secretary of Transportation may appoint each year as cadets at the United States Merchant Marine Academy not more than 40 qualified individuals sponsored by the Academy to attend preparatory school during the academic year prior to entrance in the Academy, and who have successfully met the terms and conditions of sponsorship set by the Academy.”.

**SEC. 8515. INDEPENDENT STUDY ON THE UNITED STATES MERCHANT MARINE ACADEMY.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall seek to enter into an agreement with the National Academy of Public Administration (referred to in this section as the “Academy”) to carry out the activities described in this section.

(b) STUDY ELEMENTS.—In accordance with the agreement described in subsection (a), the Academy shall conduct a study of the United States Merchant Marine Academy that consists of the following:

(1) A comprehensive assessment of the United States Merchant Marine Academy’s systems, training, facilities, infrastructure, information technology, and stakeholder engagement.

(2) Identification of needs and opportunities for modernization to help the United States Merchant Marine Academy keep pace with more modern campuses.

(3) Development of an action plan for the United States Merchant Marine Academy with specific recommendations for—

(A) improvements or updates relating to the opportunities described in paragraph (2); and

(B) systemic changes needed to help the United States Merchant Marine Academy achieve its mission of inspiring and educating the next generation of the mariner workforce on a long-term basis.

(c) DEADLINE AND REPORT.—Not later than 1 year after the date of the agreement described in subsection (a), the Academy shall prepare and submit to the Administrator of the Maritime Administration a report containing the action plan described in subsection (b)(3), including specific findings and recommendations.

**SEC. 8516. GENERAL SUPPORT PROGRAM.**

Section 51501 of title 46, United States Code, is amended by adding at the end the following:

“(c) NATIONAL MARITIME CENTERS OF EXCELLENCE.—The Secretary shall designate each State maritime academy as a National Maritime Center of Excellence.”.

**SEC. 8517. MILITARY TO MARINER.**

(a) CREDENTIALING SUPPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Defense, the Sec-

retary of the Department in which the Coast Guard operates, the Secretary of Commerce, and the Secretary of Health and Human Services, with respect to the applicable services in their respective departments, and in coordination with one another and with the United States Committee on the Marine Transportation System, and in consultation with the Merchant Marine Personnel Advisory Committee, shall, consistent with applicable law, identify all training and experience within the applicable service that may qualify for merchant mariner credentialing, and submit a list of all identified training and experience to the United States Coast Guard National Maritime Center for a determination of whether such training and experience counts for credentialing purposes.

(b) REVIEW OF APPLICABLE SERVICE.—The United States Coast Guard Commandant shall make a determination of whether training and experience counts for credentialing purposes, as described in subsection (a), not later than 6 months after the date on which the United States Coast Guard National Maritime Center receives a submission under subsection (a) identifying a training or experience and requesting such a determination.

(c) FEES AND SERVICES.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, and the Secretary of Commerce, with respect to the applicable services in their respective departments, shall—

(1) take all necessary and appropriate actions to provide for the waiver of fees through the National Maritime Center license evaluation, issuance, and examination for members of the uniformed services on active duty, if a waiver is authorized and appropriate, and, if a waiver is not granted, take all necessary and appropriate actions to provide for the payment of fees for members of the uniformed services on active duty by the applicable service to the fullest extent permitted by law;

(2) direct the applicable services to take all necessary and appropriate actions to provide for Transportation Worker Identification Credential cards for members of the uniformed services on active duty pursuing or possessing a mariner credential, such as implementation of an equal exchange process for active duty service members at no or minimal cost;

(3) ensure that members of the applicable services who are to be discharged or released from active duty and who request certification or verification of sea service be provided such certification or verification no later than one month after discharge or release;

(4) ensure the applicable services have developed, or continue to operate, as appropriate, the online resource known as Credentialing Opportunities On-Line to support separating members of the uniformed services who are seeking information and assistance on merchant mariner credentialing; and

(5) not later than 1 year after the date of enactment of this section, take all necessary and appropriate actions to review and implement service-related medical certifications to merchant mariner credential requirements.

(d) ADVANCING MILITARY TO MARINER WITHIN THE EMPLOYER AGENCIES.—

(1) IN GENERAL.—The Secretary of Defense, the Secretary of the Department in which the Coast Guard operates, and the Secretary of Commerce shall have direct hiring authority to employ separated members of the uniformed services with valid merchant mariner licenses or sea service experience in support of United States national maritime needs, including the Army Corps of Engineers, U.S.

Customs and Border Protection, and the National Oceanic and Atmospheric Administration.

(2) APPOINTMENTS OF RETIRED MEMBERS OF THE ARMED FORCES.—Except in the case of positions in the Senior Executive Service, the requirements of section 3326(b) of title 5, United States Code, shall not apply with respect to the hiring of a separated member of the uniformed services under paragraph (1).

(e) SEPARATED MEMBER OF THE UNIFORMED SERVICES.—In this section, the term “separated member of the uniformed services” means an individual who—

(1) is retiring or is retired as a member of the uniformed services;

(2) is voluntarily separating or voluntarily separated from the uniformed services at the end of enlistment or service obligation; or

(3) is administratively separating or has administratively separated from the uniformed services with an honorable or general discharge characterization.

**SEC. 8518. SALVAGE RECOVERIES OF FEDERALLY OWNED CARGOES.**

Section 57100 of title 46, United States Code, is amended by adding at the end the following:

“(h) FUNDS TRANSFER AUTHORITY RELATED TO THE USE OF NATIONAL DEFENSE RESERVE FLEET VESSELS AND THE PROVISION OF MARITIME-RELATED SERVICES.—

“(1) IN GENERAL.—When the Secretary of Transportation provides for the use of its vessels or maritime-related services and goods under a reimbursable agreement with a Federal entity, or State or local entity, authorized to receive goods and services from the Maritime Administration for programs, projects, activities, and expenses related to the National Defense Reserve Fleet or maritime-related services:

“(A) Federal entities are authorized to transfer funds to the Secretary in advance of expenditure or upon providing the goods or services ordered, as determined by the Secretary.

“(B) The Secretary shall determine all other terms and conditions under which such payments should be made and provide such goods and services using its existing or new contracts, including general agency agreements, memoranda of understanding, or similar agreements.

“(2) REIMBURSABLE AGREEMENT WITH A FEDERAL ENTITY.—

“(A) IN GENERAL.—The Maritime Administration is authorized to provide maritime-related services and goods under a reimbursable agreement with a Federal entity.

“(B) MARITIME-RELATED SERVICES DEFINED.—For the purposes of this subsection, maritime-related services includes the acquisition, procurement, operation, maintenance, preservation, sale, lease, charter, construction, reconstruction, or reconditioning (including outfitting and equipping incidental to construction, reconstruction, or reconditioning) of a merchant vessel or shipyard, ship site, terminal, pier, dock, warehouse, or other installation related to the maritime operations of a Federal entity.

“(3) SALVAGING CARGOES.—

“(A) IN GENERAL.—The Maritime Administration may provide services and purchase goods relating to the salvaging of cargoes aboard vessels in the custody or control of the Maritime Administration or its predecessor agencies and receive and retain reimbursement from Federal entities for all such costs as it may incur.

“(B) REIMBURSEMENT.—Reimbursement as provided for in subparagraph (A) may come from—

“(i) the proceeds recovered from such salvage; or

“(ii) the Federal entity for which the Maritime Administration has or will provide such

goods and services, depending on the agreement of the parties involved.

“(4) AMOUNTS RECEIVED.—Amounts received as reimbursements under this subsection shall be credited to the fund or account that was used to cover the costs incurred by the Secretary or, if the period of availability of obligations for that appropriation has expired, to the appropriation of funds that is currently available to the Secretary for substantially the same purpose. Amounts so credited shall be merged with amounts in such fund or account and shall be available for the same purposes, and subject to the same conditions and limitations, as amounts in such fund or account.

“(5) ADVANCE PAYMENTS.—Payments made in advance shall be for any part of the estimated cost as determined by the Secretary of Transportation. Adjustments to the amounts paid in advance shall be made as agreed to by the Secretary of Transportation and the head of the ordering agency or unit based on the actual cost of goods or services provided.

“(6) BILL OR REQUEST FOR PAYMENT.—A bill submitted or a request for payment is not subject to audit or certification in advance of payment.”.

#### SEC. 8519. SALVAGE RECOVERIES FOR SUBROGATED OWNERSHIP OF VESSELS AND CARGOES.

Section 53909 of title 46, United States Code, is amended by adding at the end the following:

“(e) SALVAGE AGREEMENTS.—The Secretary of Transportation is authorized to enter into marine salvage agreements for the recoveries, sale, and disposal of sunken or damaged vessels, cargoes, or properties owned or insured by or on behalf of the Maritime Administration, the United States Shipping Board, the U.S. Shipping Bureau, the United States Maritime Commission, or the War Shipping Administration.

“(f) MILITARY CRAFT.—The Secretary of Transportation shall consult with the Secretary of the military department concerned prior to engaging in or authorizing any activity under subsection (e) that will disturb sunken military craft, as defined in title XIV of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (10 U.S.C. 113 note).

“(g) RECOVERIES.—Notwithstanding other provisions of law, the net proceeds from salvage agreements entered into as authorized in subsection (e) shall remain available until expended and be distributed as follows for marine insurance-related salvages:

“(1) Fifty percent of the net funds recovered shall be deposited in the war risk revolving fund and shall be available for the purposes of the war risk revolving fund.

“(2) Fifty percent of the net funds recovered shall be deposited in the Vessel Operations Revolving Fund as established by section 50301(a) of this title and shall be available until expended as follows:

“(A) Fifty percent shall be available to the Administrator of the Maritime Administration for such acquisition, maintenance, repair, reconditioning, or improvement of vessels in the National Defense Reserve Fleet as is authorized under other Federal law.

“(B) Twenty-five percent shall be available to the Administrator of the Maritime Administration for the payment or reimbursement of expenses incurred by or on behalf of State maritime academies or the United States Merchant Marine Academy for facility and training ship maintenance, repair, and modernization, and for the purchase of simulators and fuel.

“(C) The remainder shall be distributed for maritime heritage preservation to the Department of the Interior for grants as authorized by section 308703 of title 54.”.

#### SEC. 8520. PORT OPERATIONS, RESEARCH, AND TECHNOLOGY.

(a) SHORT TITLE.—This section may be cited as the “Ports Improvement Act”.

(b) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—Section 50302 of title 46, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) PORT AND INTERMODAL IMPROVEMENT PROGRAM.—

“(1) GENERAL AUTHORITY.—Subject to the availability of appropriations, the Secretary of Transportation shall make grants, on a competitive basis, to eligible applicants to assist in funding eligible projects for the purpose of improving the safety, efficiency, or reliability of the movement of goods through ports and intermodal connections to ports.

“(2) ELIGIBLE APPLICANT.—The Secretary may make a grant under this subsection to the following:

“(A) A State.

“(B) A political subdivision of a State, or a local government.

“(C) A public agency or publicly chartered authority established by 1 or more States.

“(D) A special purpose district with a transportation function.

“(E) An Indian Tribe (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), without regard to capitalization), or a consortium of Indian Tribes.

“(F) A multistate or multijurisdictional group of entities described in this paragraph.

“(G) A lead entity described in subparagraph (A), (B), (C), (D), (E), or (F) jointly with a private entity or group of private entities.

“(3) ELIGIBLE PROJECTS.—The Secretary may make a grant under this subsection—

“(A) for a project, or package of projects, that—

“(i) is either—

“(I) within the boundary of a port; or

“(II) outside the boundary of a port, but is directly related to port operations or to an intermodal connection to a port; and

“(ii) will be used to improve the safety, efficiency, or reliability of—

“(I) the loading and unloading of goods at the port, such as for marine terminal equipment;

“(II) the movement of goods into, out of, around, or within a port, such as for highway or rail infrastructure, intermodal facilities, freight intelligent transportation systems, and digital infrastructure systems; or

“(III) environmental mitigation measures and operational improvements directly related to enhancing the efficiency of ports and intermodal connections to ports; or

“(B) notwithstanding paragraph (6)(A)(v), to provide financial assistance to 1 or more projects under subparagraph (A) for development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, and preliminary engineering and design work.

“(4) PROHIBITED USES.—A grant award under this subsection may not be used—

“(A) to finance or refinance the construction, reconstruction, reconditioning, or purchase of a vessel that is eligible for such assistance under chapter 537, unless the Secretary determines such vessel—

“(i) is necessary for a project described in paragraph (3)(A)(ii)(III) of this subsection; and

“(ii) is not receiving assistance under chapter 537; or

“(B) for any project within a small shipyard (as defined in section 54101).

“(5) APPLICATIONS AND PROCESS.—

“(A) APPLICATIONS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an application in such form, at such time, and

containing such information as the Secretary considers appropriate.

“(B) SOLICITATION PROCESS.—Not later than 60 days after the date that amounts are made available for grants under this subsection for a fiscal year, the Secretary shall solicit grant applications for eligible projects in accordance with this subsection.

“(6) PROJECT SELECTION CRITERIA.—

“(A) IN GENERAL.—The Secretary may select a project described in paragraph (3) for funding under this subsection if the Secretary determines that—

“(i) the project improves the safety, efficiency, or reliability of the movement of goods through a port or intermodal connection to a port;

“(ii) the project is cost effective;

“(iii) the eligible applicant has authority to carry out the project;

“(iv) the eligible applicant has sufficient funding available to meet the matching requirements under paragraph (8);

“(v) the project will be completed without unreasonable delay; and

“(vi) the project cannot be easily and efficiently completed without Federal funding or financial assistance available to the project sponsor.

“(B) ADDITIONAL CONSIDERATIONS.—In selecting projects described in paragraph (3) for funding under this subsection, the Secretary shall give substantial weight to—

“(i) the utilization of non-Federal contributions;

“(ii) the net benefits of the funds awarded under this subsection, considering the cost-benefit analysis of the project, as applicable; and

“(iii) the public benefits of the funds awarded under this subsection.

“(C) SMALL PROJECTS.—The Secretary may waive the cost-benefit analysis under subparagraph (A)(ii), and establish a simplified, alternative basis for determining whether a project is cost effective, for a small project described in paragraph (7)(B).

“(7) ALLOCATION OF FUNDS.—

“(A) GEOGRAPHIC DISTRIBUTION.—Not more than 25 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for projects in any 1 State.

“(B) SMALL PROJECTS.—The Secretary shall reserve 25 percent of the amounts made available for grants under this subsection each fiscal year to make grants for eligible projects described in paragraph (3)(A) that request the lesser of—

“(i) 10 percent of the amounts made available for grants under this subsection for a fiscal year; or

“(ii) \$11,000,000.

“(C) DEVELOPMENT PHASE ACTIVITIES.—Not more than 10 percent of the amounts made available for grants under this subsection for a fiscal year may be used to make grants for development phase activities under paragraph (3)(B).

“(8) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

“(A) TOTAL PROJECT COSTS.—To be eligible for a grant under this subsection, an eligible applicant shall submit to the Secretary an estimate of the total costs of a project under this subsection based on the best available information, including any available engineering studies, studies of economic feasibility, environmental analyses, and information on the expected use of equipment or facilities.

“(B) FEDERAL SHARE.—

“(i) IN GENERAL.—Except as provided in clause (ii), the Federal share of the total costs of a project under this subsection shall not exceed 80 percent.

“(ii) RURAL AREAS.—The Secretary may increase the Federal share of costs above 80 percent for a project located in a rural area.

“(9) PROCEDURAL SAFEGUARDS.—The Secretary shall issue guidelines to establish appropriate accounting, reporting, and review procedures to ensure that—

“(A) grant funds are used for the purposes for which those funds were made available;

“(B) each grantee properly accounts for all expenditures of grant funds; and

“(C) grant funds not used for such purposes and amounts not obligated or expended are returned.

“(10) CONDITIONS.—

“(A) IN GENERAL.—The Secretary shall require as a condition of making a grant under this subsection that a grantee—

“(i) maintain such records as the Secretary considers necessary;

“(ii) make the records described in clause (i) available for review and audit by the Secretary; and

“(iii) periodically report to the Secretary such information as the Secretary considers necessary to assess progress.

“(B) LABOR.—The Federal wage rate requirements of subchapter IV of chapter 31 of title 40 shall apply, in the same manner as such requirements apply to contracts subject to such subchapter, to—

“(i) each project for which a grant is provided under this subsection; and

“(ii) all portions of a project described in clause (i), regardless of whether such a portion is funded using—

“(I) other Federal funds; or

“(II) non-Federal funds.

“(11) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to affect existing authorities to conduct port infrastructure programs in—

“(A) Hawaii, as authorized by section 9008 of the SAFETEA-LU Act (Public Law 109-59; 119 Stat. 1926);

“(B) Alaska, as authorized by section 10205 of the SAFETEA-LU Act (Public Law 109-59; 119 Stat. 1934); or

“(C) Guam, as authorized by section 3512 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r).

“(12) ADMINISTRATION.—

“(A) ADMINISTRATIVE AND OVERSIGHT COSTS.—The Secretary may retain not more than 2 percent of the amounts appropriated for each fiscal year under this subsection for the administrative and oversight costs incurred by the Secretary to carry out this subsection.

“(B) AVAILABILITY.—

“(i) IN GENERAL.—Amounts appropriated for carrying out this subsection shall remain available until expended.

“(ii) UNEXPENDED FUNDS.—Amounts awarded as a grant under this subsection that are not expended by the grantee during the 5-year period following the date of the award shall remain available to the Secretary for use for grants under this subsection in a subsequent fiscal year.

“(13) DEFINITIONS.—In this subsection:

“(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term ‘appropriate committees of Congress’ means—

“(i) the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

“(B) PORT.—The term ‘port’ includes—

“(i) a seaport; and

“(ii) an inland waterways port.

“(C) PROJECT.—The term ‘project’ includes construction, reconstruction, environmental rehabilitation, acquisition of property, including land related to the project and im-

provements to the land, equipment acquisition, and operational improvements.

“(D) RURAL AREA.—The term ‘rural area’ means an area that is outside an urbanized area.

“(d) ADDITIONAL AUTHORITY OF THE SECRETARY.—In carrying out this section, the Secretary may—

“(1) receive funds from a Federal or non-Federal entity that has a specific agreement with the Secretary to further the purposes of this section;

“(2) coordinate with other Federal agencies to expedite the process established under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) for the improvement of port facilities to improve the efficiency of the transportation system, to increase port security, or to provide greater access to port facilities;

“(3) seek to coordinate all reviews or requirements with appropriate Federal, State, and local agencies; and

“(4) in addition to any financial assistance provided under subsection (c), provide such technical assistance to port authorities or commissions or their subdivisions and agents as needed for project planning, design, and construction.”

(c) SAVINGS CLAUSE.—A repeal made by subsection (b) of this section shall not affect amounts apportioned or allocated before the effective date of the repeal. Such apportioned or allocated funds shall continue to be subject to the requirements to which the funds were subject under section 50302(c) of title 46, United States Code, as in effect on the day before the date of enactment of this title.

#### SEC. 8521. ASSESSMENT AND REPORT ON STRATEGIC SEAPORTS.

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Secretary of Defense shall submit to the congressional defense committees a report on port facilities used for military purposes at ports designated by the Department of Defense as strategic seaports.

(b) ELEMENTS.—The report required by subsection (a) shall include, with respect to port facilities included in the report, the following:

(1) An assessment whether there are structural integrity or other deficiencies in such facilities.

(2) If there are such deficiencies—

(A) an assessment of infrastructure improvements to such facilities that would be needed to meet, directly or indirectly, national security and readiness requirements;

(B) an assessment of the impact on operational readiness of the Armed Forces if such improvements are not undertaken; and

(C) an identification of, to the maximum extent practical, all potential funding sources for such improvements from existing authorities.

(3) An identification of the support that would be appropriate for the Department of Defense to provide in the execution of the Secretary of Transportation’s responsibilities under section 50302 of title 46, United States Code, with respect to such facilities.

(4) If additional statutory or administrative authorities would be required for the provision of support as described in paragraph (3), recommendations for legislative or administrative action to establish such authorities.

(c) CONSULTATION.—The Secretary of Defense shall prepare the report required by subsection (a) in consultation with the Maritime Administrator and the individual responsible for each port facility described in such subsection.

#### SEC. 8522. MARITIME TECHNICAL ASSISTANCE PROGRAM.

Section 50307 of title 46, United States Code, is amended—

(1) in subsection (a), by striking “The Secretary of Transportation may engage in the environmental study” and inserting “The Maritime Administrator, on behalf of the Secretary of Transportation, shall engage in the study”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “may” and inserting “shall”; and

(B) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “that are likely to achieve environmental improvements by” and inserting “to improve”;

(ii) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(iii) by inserting before clause (i), the following:

“(A) environmental performance to meet United States Federal and international standards and guidelines, including—”;

(iv) in clause (iii), as redesignated by clause (ii), by striking “species; and” and all that follows through the end of the subsection and inserting “species; or

“(iv) reducing propeller cavitation; and

“(B) the efficiency and safety of domestic maritime industries; and

“(2) coordinate with the Environmental Protection Agency, the Coast Guard, and other Federal, State, local, or tribal agencies, as appropriate.”

(3) in subsection (c)(2), by striking “benefits” and inserting “or other benefits to domestic maritime industries”;

(4) by adding at the end the following:

“(e) LIMITATIONS ON THE USE OF FUNDS.—Not more than 3 percent of funds appropriated to carry out this program may be used for administrative purposes.”

#### SEC. 8523. REQUIREMENT FOR SMALL SHIPYARD GRANTEES.

Section 54101(d) of title 46, United States Code, is amended—

(1) by striking “Grants awarded” and inserting the following:

“(1) IN GENERAL.—Grants awarded”;

(2) by adding at the end the following:

“(2) BUY AMERICA.—

“(A) IN GENERAL.—Subject to subparagraph (B), no funds may be obligated by the Administrator of the Maritime Administration under this section, unless each product and material purchased with those funds (including products and materials purchased by a grantee), and including any commercially available off-the-shelf item, is—

“(i) an unmanufactured article, material, or supply that has been mined or produced in the United States; or

“(ii) a manufactured article, material, or supply that has been manufactured in the United States substantially all from articles, materials, or supplies mined, produced, or manufactured in the United States.

“(B) EXCEPTIONS.—

“(i) IN GENERAL.—Notwithstanding subparagraph (A), the requirements of that subparagraph shall not apply with respect to a particular product or material if the Administrator determines—

“(I) that the application of those requirements would be inconsistent with the public interest;

“(II) that such product or material is not available in the United States in sufficient and reasonably available quantities, of a satisfactory quality, or on a timely basis; or

“(III) that inclusion of a domestic product or material will increase the cost of that product or material by more than 25 percent, with respect to a certain contract between a grantee and that grantee’s supplier.

“(ii) FEDERAL REGISTER.—A determination made by the Administrator under this subparagraph shall be published in the Federal Register.

“(C) DEFINITIONS.—In this paragraph:

“(i) The term ‘commercially available off-the-shelf item’ means—

“(I) any item of supply (including construction material) that is—

“(aa) a commercial item, as defined by section 2.101 of title 48, Code of Federal Regulations (as in effect on the date of enactment of the Maritime Administration Authorization and Enhancement Act of 2019); and

“(bb) sold in substantial quantities in the commercial marketplace; and

“(II) does not include bulk cargo, as defined in section 40102(4) of this title, such as agricultural products and petroleum products.

“(ii) The term ‘product or material’ means an article, material, or supply brought to the site by the recipient for incorporation into the building, work, or project. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site.

“(iii) The term ‘United States’ includes the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.”.

#### SEC. 8524. IMPROVEMENT OF NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

(a) ADDITIONAL MEANS OF ACHIEVEMENT OF GOALS OF PROGRAM THROUGH OCEANOGRAPHIC EFFORTS.—Section 8931(b)(2)(A) of title 10, United States Code, is amended—

(1) by inserting “, creating,” after “identifying”; and

(2) by inserting “science,” after “areas of”.

(b) NATIONAL OCEAN RESEARCH LEADERSHIP COUNCIL MEMBERSHIP.—Section 8932 of title 10, United States Code, is amended—

(1) by redesignating subsections (f) through (h) as subsections (g) through (i), respectively;

(2) in subsection (b)—

(A) by striking paragraph (10);

(B) by redesignating paragraphs (11) through (14) as paragraphs (12) through (15), respectively; and

(C) by inserting after paragraph (9) the following new paragraphs:

“(10) The Director of the Bureau of Ocean Energy Management of the Department of the Interior.

“(11) The Director of the Bureau of Safety and Environmental Enforcement of the Department of the Interior.”;

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in subparagraph (B), by striking “broad participation within the oceanographic community” and inserting “appropriate participation within the oceanographic community, which may include public, academic, commercial, and private participation or support”; and

(ii) in subparagraph (E), by striking “peer”; and

(B) in paragraph (3), by striking subparagraph (D) and inserting the following:

“(D) Preexisting facilities, such as regional data centers operated by the Integrated Ocean Observing System, and expertise.”;

(4) in subsection (e)—

(A) in the subsection heading by striking “REPORT” and inserting “BRIEFING”;

(B) in the matter preceding paragraph (1), by striking “to Congress a report” and inserting “to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Armed Services of the Senate, the Committee on Energy and Natural Resources of the Senate, the Committee on Natural Resources of the House of Representatives, and the Committee on Armed Services of the House of Representatives a briefing”;

(C) by striking “report” and inserting “briefing” each place the term appears;

(D) by striking paragraph (4) and inserting the following:

“(4) A description of the involvement of Federal agencies and non-Federal contributors participating in the program.”; and

(E) in paragraph (5), by striking “and the estimated expenditures under such programs, projects, and activities during such following fiscal year” and inserting “and the estimated expenditures under such programs, projects, and activities of the program during such following fiscal year”;

(5) by inserting after subsection (e) the following:

“(f) REPORT.—Not later than March 1 of each year, the Council shall publish on a publically available website a report summarizing the briefing described in subsection (e).”;

(6) in subsection (g), as redesignated by paragraph (1)—

(A) by striking paragraph (1) and inserting the following:

“(1) The Secretary of the Navy shall establish an office to support the National Oceanographic Partnership Program. The Council shall use competitive procedures in selecting an operator for the partnership program office.”; and

(B) in paragraph (2)(B), by inserting “, where appropriate,” before “managing”; and

(7) by amending subsection (h), as redesignated by paragraph (1), to read as follows:

“(h) CONTRACT AND GRANT AUTHORITY.—

“(1) IN GENERAL.—To carry out the purposes of the National Oceanographic Partnership Program, the Council shall have, in addition to other powers otherwise given it under this chapter, the following authorities:

“(A) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants or cooperative agreements, and establish and manage new collaborative programs as considered appropriate, to address emerging science priorities using both donated and appropriated funds.

“(B) To authorize the program office under subsection (g), on behalf of and subject to the direction and approval of the Council, to accept funds, including fines and penalties, from other Federal and State departments and agencies.

“(C) To authorize the program office, on behalf of and subject to the direction and approval of the Council, to award grants and enter into contracts for purposes of the National Oceanographic Partnership Program.

“(D) To transfer funds to other Federal and State departments and agencies in furtherance of the purposes of the National Oceanographic Partnership Program.

“(E) To authorize one or more of the departments or agencies represented on the Council to enter into contracts and make grants, for the purpose of implementing the National Oceanographic Partnership Program and carrying out the responsibilities of the Council.

“(F) To use, with the consent of the head of the agency or entity concerned, on a non-reimbursable basis, the land, services, equipment, personnel, facilities, advice, and information provided by a Federal agency or entity, State, local government, Tribal govern-

ment, territory, or possession, or any subdivisions thereof, or the District of Columbia as may be helpful in the performance of the duties of the Council.

“(2) FUNDS TRANSFERRED.—Funds identified for direct support of National Oceanographic Partnership Program grants are authorized for transfer between agencies and are exempt from section 1535 of title 31 (commonly known as the “Economy Act of 1932”).”.

(c) OCEAN RESEARCH ADVISORY PANEL.—Section 8933(a)(4) of title 10, United States Code, is amended by striking “State governments” and inserting “State and Tribal governments”.

#### SEC. 8525. IMPROVEMENTS TO THE MARITIME GUARANTEED LOAN PROGRAM.

(a) DEFINITIONS.—Section 53701 of title 46, United States Code, is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraphs (6) through (15) as paragraphs (5) through (14), respectively; and

(3) by adding at the end the following:

“(15) VESSEL OF NATIONAL INTEREST.—The term ‘Vessel of National Interest’ means a vessel deemed to be of national interest that meets characteristics determined by the Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard Operates, or the heads of other Federal agencies, as described in section 53703(d).”.

(b) PREFERRED LENDER.—Section 53702(a) of title 46, United States Code, is amended by adding at the end the following:

“(2) PREFERRED ELIGIBLE LENDER.—The Federal Financing Bank shall be the preferred eligible lender of the principal and interest of the guaranteed obligations issued under this chapter.”.

(c) APPLICATION AND ADMINISTRATION.—Section 53703 of title 46, United States Code, is amended—

(1) in the section heading, by striking “procedures” and inserting “and administration”;

(2) by adding at the end the following:

“(c) INDEPENDENT ANALYSIS.—

“(1) IN GENERAL.—To assess and mitigate the risks due to factors associated with markets, technology, financial, or legal structures related to an application or guarantee under this chapter, the Secretary or Administrator may utilize third party experts, including legal counsel, to—

“(A) process and review applications under this chapter, including conducting independent analysis and review of aspects of an application;

“(B) represent the Secretary or Administrator in structuring and documenting the obligation guarantee;

“(C) analyze and review aspects of, structure, and document the obligation guarantee during the term of the guarantee;

“(D) recommend financial covenants or financial ratios to be met by the applicant during the time a guarantee under this chapter is outstanding that are—

“(i) based on the financial covenants or financial ratios, if any, that are then applicable to the obligor under private sector credit agreements; and

“(ii) in lieu of other financial covenants applicable to the obligor under this chapter with respect to requirements regarding long-term debt-to-equity, minimum working capital, or minimum amount of equity; and

“(E) represent the Secretary or Administrator to protect the security interests of the Government relating to an obligation guarantee.

“(2) PRIVATE SECTOR EXPERT.—Independent analysis, review, and representation conducted under this subsection shall be performed by a private sector expert in the applicable field who is selected by the Secretary or Administrator.

“(d) VESSELS OF NATIONAL INTEREST.—

“(1) NOTICE OF FUNDING.—The Secretary or Administrator may post a notice in the Federal Register regarding the availability of funding for obligation guarantees under this chapter for the construction, reconstruction, or reconditioning of a Vessel of National Interest and include a timeline for the submission of applications for such vessels.

“(2) VESSEL CHARACTERISTICS.—

“(A) IN GENERAL.—The Secretary or Administrator, in consultation with the Secretary of Defense, the Secretary of the Department in which the Coast Guard Operates, or the heads of other Federal agencies, shall develop and publish a list of vessel types that would be considered Vessels of National Interest.

“(B) REVIEW.—Such list shall be reviewed and revised every 4 years or as necessary, as determined by the Administrator.”.

(d) FUNDING LIMITS.—Section 53704 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) by striking “that amount” and all the follows through “\$850,000,000” and inserting “that amount, \$850,000,000”; and

(B) by striking “facilities” and all that follows through the end of the subsection and inserting “facilities.”; and

(2) in subsection (c)(4)—

(A) by striking subparagraph (A); and

(B) by redesignating subparagraphs (B) through (K), as subparagraphs (A) through (J), respectively.

(e) ELIGIBLE PURPOSES OF OBLIGATIONS.—Section 53706 of title 46, United States Code, is amended—

(1) in subsection (a)(1)(A)—

(A) in the matter preceding clause (i), by striking “(including an eligible export vessel);”

(B) in clause (iv) by adding “or” after the semicolon;

(C) in clause (v), by striking “; or” and inserting a period; and

(D) by striking clause (vi); and

(2) in subsection (c)(1)—

(A) in subparagraph (A), by striking “and” after the semicolon;

(B) in subparagraph (B)(ii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) after applying subparagraphs (A) and (B), Vessels of National Interest.”.

(f) AMOUNT OF OBLIGATIONS.—Section 53709(b) of title 46, United States Code, is amended—

(1) by striking paragraphs (3) and (6); and

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively.

(g) CONTENTS OF OBLIGATIONS.—Section 53710 of title 46, United States Code, is amended—

(1) in subsection (a)(4)—

(A) in subparagraph (A)—

(i) by striking “or, in the case of” and all that follows through “party”; and

(ii) by striking “and” after the semicolon; and

(B) in subparagraph (B), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) documented under the laws of the United States for the term of the guarantee of the obligation or until the obligation is paid in full, whichever is sooner.”; and

(2) in subsection (c)—

(A) in the subsection heading, by inserting “AND PROVIDE FOR THE FINANCIAL STABILITY OF THE OBLIGOR” after “INTERESTS”;

(B) by striking “provisions for the protection of” and inserting “provisions, which shall include—

“(1) provisions for the protection of”;

(C) by striking “, and other matters that the Secretary or Administrator may prescribe.” and inserting “; and”; and

(D) by adding at the end the following:

“(2) any other provisions that the Secretary or Administrator may prescribe.”.

(h) ADMINISTRATIVE FEES.—Section 53713 of title 46, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “reasonable for—” and inserting “reasonable for processing the application and monitoring the loan guarantee, including for—”;

(B) in paragraph (4), by striking “; and” and inserting “or a deposit fund under section 53716 of this title”;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(6) monitoring and providing services related to the obligor’s compliance with any terms related to the obligations, the guarantee, or maintenance of the Secretary or Administrator’s security interests under this chapter.”; and

(2) in subsection (c)—

(A) in paragraph (1), by striking “under section 53708(d) of this title” and inserting “under section 53703(c) of this title”;

(B) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(C) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”; and

(D) by adding at the end the following:

“(2) FEE LIMITATION INAPPLICABLE.—Fees collected under this subsection are not subject to the limitation of subsection (b).”.

(i) BEST PRACTICES; ELIGIBLE EXPORT VESSELS.—Chapter 537 of title 46, United States Code, is further amended—

(1) in subchapter I, by adding at the end the following new section:

#### “§ 53719. Best practices

“The Secretary or Administrator shall ensure that all standard documents and agreements that relate to loan guarantees made pursuant to this chapter are reviewed and updated every four years to ensure that such documents and agreements meet the current commercial best practices to the extent permitted by law.”; and

(2) in subchapter III, by striking section 53732.

(j) EXPRESS CONSIDERATION OF LOW-RISK APPLICATIONS.—Not later than 180 days after the date of enactment of this title, the Administrator of the Maritime Administration shall, in consultation with affected stakeholders, create a process for express processing of low-risk maritime guaranteed loan applications under chapter 537 of title 46, United States Code, based on Federal and industry best practices, including proposals to better assist applicants to submit complete applications within 6 months of the initial application.

(k) CONGRESSIONAL NOTIFICATION.—

(1) NOTIFICATION.—Not less than 60 days before reorganizing or consolidating the activities or personnel covered under chapter 537 of title 46, United States Code, the Secretary of Transportation shall notify, in writing, the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of the proposed reorganization or consolidation.

(2) CONTENTS.—Each notification under paragraph (1) shall include an evaluation of, and justification for, the reorganization or consolidation.

(1) CLERICAL AMENDMENTS.—

(1) The table of sections at the beginning of chapter 537 of title 46, United States Code, is amended by inserting after the item relating to section 53718 the following new item:

“53719. Best practices.”.

(2) The table of sections at the beginning of chapter 537 of title 46, United States Code, is further amended by striking the item relating to section 53732.

#### SEC. 8526. TECHNICAL CORRECTIONS.

(a) OFFICE OF PERSONNEL MANAGEMENT GUIDANCE.—Not later than 120 days after the date of enactment of this title, the Director of the Office of Personnel Management, in consultation with the Administrator of the Maritime Administration, shall identify key skills and competencies necessary to maintain a balance of expertise in merchant marine seagoing service and strategic sealift military service in each of the following positions within the Office of the Commandant:

(1) Commandant.

(2) Deputy Commandant.

(3) Tactical company officers.

(4) Regimental officers.

(b) SEA YEAR COMPLIANCE.—Section 3514(a)(1)(A) of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 46 U.S.C. 51318 note) is amended by inserting “domestic and international” after “criteria that”.

#### SEC. 8527. UNITED STATES MERCHANT MARINE ACADEMY’S SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM.

(a) IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Transportation shall ensure that, not later than 180 days after the date of enactment of this title, the recommendations in the Inspector General of the Department of Transportation’s report on the effectiveness of the United States Merchant Marine Academy’s Sexual Assault Prevention and Response program (mandated under section 3512 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 130 Stat. 2786)), are fully implemented.

(b) REPORT.—Not later than 180 days after the date of enactment of this title, the Secretary of Transportation shall submit a report to Congress—

(1) confirming that the recommendations described in subsection (a) have been fully implemented, and explaining how those recommendations have been implemented; or

(2) if such recommendations have not been fully implemented as of the date of the report, including an explanation of why such recommendations have not been fully implemented and a description of the resources that are needed to fully implement such recommendations.

#### SEC. 8528. REPORT ON VESSELS FOR EMERGING OFFSHORE ENERGY INFRASTRUCTURE.

(a) IN GENERAL.—The Secretary of Transportation, in consultation with the Secretary of Energy, the Secretary of the Interior, and the heads of other relevant agencies as appropriate, shall prepare and submit a report on the need for vessels to install, operate, and maintain emerging offshore energy infrastructure, including offshore wind energy.

(b) CONTENTS.—Such report shall include—

(1) an inventory of vessels (including existing vessels and vessels that have the potential to be refurbished) to install, operate, and maintain such emerging offshore energy infrastructure;

(2) a projection of existing vessels needed to meet such emerging offshore energy needs over the next 10 years; and

(3) policy recommendations to ensure the vessel capacity to support such emerging offshore energy.

(c) TRANSMITTAL.—Not later than 6 months after the date of enactment of this title, the Secretary of Transportation shall submit such report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives.

#### Subtitle B—Maritime SAFE Act

##### SEC. 8531. SHORT TITLES.

(a) SHORT TITLES.—This subtitle may be cited as the “Maritime Security and Fisheries Enforcement Act” or the “Maritime SAFE Act”.

##### SEC. 8532. DEFINITIONS.

In this subtitle:

(1) AIS.—The term “AIS” means Automatic Identification System (as defined in section 164.46 of title 33, Code of Federal Regulations, or a similar successor regulation).

(2) COMBINED MARITIME FORCES.—The term “Combined Maritime Forces” means the 33-nation naval partnership, originally established in February 2002, which promotes security, stability, and prosperity across approximately 3,200,000 square miles of international waters.

(3) EXCLUSIVE ECONOMIC ZONE.—

(A) IN GENERAL.—Unless otherwise specified by the President as being in the public interest in a writing published in the Federal Register, the term “exclusive economic zone” means—

(i) the area within a zone established by a maritime boundary that has been established by a treaty in force or a treaty that is being provisionally applied by the United States; or

(ii) in the absence of a treaty described in clause (i)—

(I) a zone, the outer boundary of which is 200 nautical miles from the baseline from which the breadth of the territorial sea is measured; or

(II) if the distance between the United States and another country is less than 400 nautical miles, a zone, the outer boundary of which is represented by a line equidistant between the United States and the other country.

(B) INNER BOUNDARY.—Without affecting any Presidential Proclamation with regard to the establishment of the United States territorial sea or exclusive economic zone, the inner boundary of the exclusive economic zone is—

(i) in the case of coastal States, a line co-terminous with the seaward boundary of each such State (as described in section 4 of the Submerged Lands Act (43 U.S.C. 1312));

(ii) in the case of the Commonwealth of Puerto Rico, a line that is 3 marine leagues from the coastline of the Commonwealth of Puerto Rico;

(iii) in the case of American Samoa, the United States Virgin Islands, Guam, and the Northern Mariana Islands, a line that is 3 geographic miles from the coastlines of American Samoa, the United States Virgin Islands, Guam, or the Northern Mariana Islands, respectively; or

(iv) for any possession of the United States not referred to in clause (ii) or (iii), the coastline of such possession.

(C) RULE OF CONSTRUCTION.—Nothing in this paragraph may be construed to diminish the authority of the Department of Defense, the Department of the Interior, or any other Federal department or agency.

(4) FOOD SECURITY.—The term “food security” means access to, and availability, utilization, and stability of, sufficient food to meet caloric and nutritional needs for an active and healthy life.

(5) GLOBAL RECORD OF FISHING VESSELS, REFRIGERATED TRANSPORT VESSELS, AND SUPPLY

VESSELS.—The term “global record of fishing vessels, refrigerated transport vessels, and supply vessels” means the Food and Agriculture Organization of the United Nations’ initiative to rapidly make available certified data from state authorities about vessels and vessel related activities.

(6) IUU FISHING.—The term “IUU fishing” means illegal fishing, unreported fishing, or unregulated fishing (as such terms are defined in paragraph 3 of the International Plan of Action to Prevent, Deter, and Eliminate Illegal, Unreported and Unregulated Fishing, adopted at the 24th Session of the Committee on Fisheries in Rome on March 2, 2001).

(7) PORT STATE MEASURES AGREEMENT.—The term “Port State Measures Agreement” means the Agreement on Port State Measures to Prevent, Deter, and Eliminate Illegal, Unreported, and Unregulated Fishing set forth by the Food and Agriculture Organization of the United Nations, done at Rome, Italy November 22, 2009, and entered into force June 5, 2016, which offers standards for reporting and inspecting fishing activities of foreign-flagged fishing vessels at port.

(8) PRIORITY FLAG STATE.—The term “priority flag state” means a country selected in accordance with section 8552(b)(3)—

(A) whereby the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that is willing, but lacks the capacity, to monitor or take effective enforcement action against its fleet.

(9) PRIORITY REGION.—The term “priority region” means a region selected in accordance with section 8552(b)(2)—

(A) that is at high risk for IUU fishing activity or the entry of illegally caught seafood into the markets of countries in the region; and

(B) in which countries lack the capacity to fully address the illegal activity described in subparagraph (A).

(10) REGIONAL FISHERIES MANAGEMENT ORGANIZATION.—The term “Regional Fisheries Management Organization” means an inter-governmental fisheries organization or arrangement, as appropriate, that has the competence to establish conservation and management measures.

(11) SEAFOOD.—The term “seafood”—

(A) means marine finfish, mollusks, crustaceans, and all other forms of marine animal and plant life, including those grown, produced, or reared through marine aquaculture operations or techniques; and

(B) does not include marine mammals, turtles, or birds.

(12) TRANSNATIONAL ORGANIZED ILLEGAL ACTIVITY.—The term “transnational organized illegal activity” means criminal activity conducted by self-perpetuating associations of individuals who operate transnationally for the purpose of obtaining power, influence, or monetary or commercial gains, wholly or in part by illegal means, while protecting their activities through a pattern of corruption or violence or through a transnational organizational structure and the exploitation of transnational commerce or communication mechanisms.

(13) TRANSHIPMENT.—The term “transshipment” means the use of refrigerated vessels that—

(A) collect catch from multiple fishing boats;

(B) carry the accumulated catches back to port; and

(C) deliver supplies to fishing boats, which allows fishing vessels to remain at sea for extended periods without coming into port.

##### SEC. 8533. PURPOSES.

The purposes of this subtitle are—

(1) to support a whole-of-government approach across the Federal Government to

counter IUU fishing and related threats to maritime security;

(2) to improve data sharing that enhances surveillance, enforcement, and prosecution against IUU fishing and related activities at a global level;

(3) to support coordination and collaboration to counter IUU fishing within priority regions;

(4) to increase and improve global transparency and traceability across the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) a tool for strengthening fisheries management and food security;

(5) to improve global enforcement operations against IUU fishing through a whole-of-government approach by the United States; and

(6) to prevent the use of IUU fishing as a financing source for transnational organized groups that undermine United States and global security interests.

##### SEC. 8534. STATEMENT OF POLICY.

It is the policy of the United States—

(1) to take action to curtail the global trade in seafood and seafood products derived from IUU fishing, including its links to forced labor and transnational organized illegal activity;

(2) to develop holistic diplomatic, military, law enforcement, economic, and capacity-building tools to counter IUU fishing;

(3) to provide technical assistance to countries in priority regions and priority flag states to combat IUU fishing, including assistance—

(A) to increase local, national, and regional level capacities to counter IUU fishing through the engagement of law enforcement and security forces;

(B) to enhance port capacity and security, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement;

(C) to combat corruption and increase transparency and traceability in fisheries management and trade;

(D) to enhance information sharing within and across governments and multilateral organizations through the development and use of agreed standards for information sharing; and

(E) to support effective, science-based fisheries management regimes that promote legal and safe fisheries and act as a deterrent to IUU fishing;

(4) to promote global maritime security through improved capacity and technological assistance to support improved maritime domain awareness;

(5) to engage with priority flag states to encourage the use of high quality vessel tracking technologies where existing enforcement tools are lacking;

(6) to engage with multilateral organizations working on fisheries issues, including Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, to combat and deter IUU fishing;

(7) to advance information sharing across governments and multilateral organizations in areas that cross multiple jurisdictions, through the development and use of an agreed standard for information sharing;

(8) to continue to use existing and future trade agreements to combat IUU fishing;

(9) to employ appropriate assets and resources of the United States Government in a coordinated manner to disrupt the illicit networks involved in IUU fishing;

(10) to continue to declassify and make available, as appropriate and practicable, technologies developed by the United States Government that can be used to help counter IUU fishing;



(11) to recognize the ties of IUU fishing to transnational organized illegal activity, including human trafficking and illegal trade in narcotics and arms, and as applicable, to focus on illicit activity in a coordinated, cross-cutting manner;

(12) to recognize and respond to poor working conditions, labor abuses, and other violent crimes in the fishing industry;

(13) to increase and improve global transparency and traceability along the seafood supply chain as—

(A) a deterrent to IUU fishing; and

(B) an approach for strengthening fisheries management and food security; and

(14) to promote technological investment and innovation to combat IUU fishing.

#### **PART I—PROGRAMS TO COMBAT IUU FISHING AND INCREASE MARITIME SECURITY**

##### **SEC. 8541. COORDINATION WITH INTERNATIONAL ORGANIZATIONS.**

The Secretary of State, in conjunction with the Secretary of Commerce, shall coordinate with Regional Fisheries Management Organizations and the Food and Agriculture Organization of the United Nations, and may coordinate with other relevant international governmental or nongovernmental organizations, or the private sector, as appropriate, to enhance regional responses to IUU fishing and related transnational organized illegal activities.

##### **SEC. 8542. ENGAGEMENT OF DIPLOMATIC MISSIONS OF THE UNITED STATES.**

Not later than 1 year after the date of the enactment of this title, each chief of mission (as defined in section 102 of the Foreign Service Act of 1980 (22 U.S.C. 3902)) to a relevant country in a priority region or to a priority flag state may, if the Secretary of State determines such action is appropriate—

(1) convene a working group, led by Department of State officials, to examine IUU fishing, which may include stakeholders such as—

(A) United States officials from relevant agencies participating in the interagency Working Group identified in section 8551, foreign officials, nongovernmental organizations, the private sector, and representatives of local fishermen in the region; and

(B) experts on IUU fishing, law enforcement, criminal justice, transnational organized illegal activity, defense, intelligence, vessel movement monitoring, and international development operating in or with knowledge of the region; and

(2) designate a counter-IUU Fishing Coordinator from among existing personnel at the mission if the chief of mission determines such action is appropriate.

##### **SEC. 8543. ASSISTANCE BY FEDERAL AGENCIES TO IMPROVE LAW ENFORCEMENT WITHIN PRIORITY REGIONS AND PRIORITY FLAG STATES.**

(a) **IN GENERAL.**—The Secretary of State, in collaboration with the Secretary of Commerce and the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, as well as any other relevant department or agency, shall provide assistance, as appropriate, in accordance with this section.

(b) **LAW ENFORCEMENT TRAINING AND COORDINATION ACTIVITIES.**—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to countries in priority regions and priority flag states to improve the effectiveness of IUU fishing enforcement, with clear and measurable targets and indicators of success, including—

(1) by assessing and using existing resources, enforcement tools, and legal authorities to coordinate efforts to combat IUU

fishing with efforts to combat other illegal trade, including weapons, drugs, and human trafficking;

(2) by expanding existing IUU fishing enforcement training;

(3) by providing targeted, country- and region-specific training on combating IUU fishing, including in those countries that have not adopted the Port State Measures Agreement;

(4) by supporting increased effectiveness and transparency of the fisheries enforcement sectors of the governments of such countries; and

(5) by supporting increased outreach to stakeholders in the affected communities as key partners in combating and prosecuting IUU fishing.

(c) **PORT SECURITY ASSISTANCE.**—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to countries in priority regions and priority flag states to help those states implement programs related to port security and capacity for the purposes of preventing IUU fishing products from entering the global seafood market, including by supporting other countries in working toward the adoption and implementation of the Port State Measures Agreement.

(d) **CAPACITY BUILDING FOR INVESTIGATIONS AND PROSECUTIONS.**—The officials referred to in subsection (a), in collaboration with the governments of countries in priority regions and of priority flag states, shall evaluate opportunities to assist those countries in designing and implementing programs in such countries, as appropriate, to increase the capacity of IUU fishing enforcement and customs and border security officers to improve their ability—

(1) to conduct effective investigations, including using law enforcement techniques such as undercover investigations and the development of informer networks and actionable intelligence;

(2) to conduct vessel boardings and inspections at sea and associated enforcement actions;

(3) to exercise existing shiprider agreements and to enter into and implement new shiprider agreements, as appropriate, including in those countries that have not adopted the Port State Measures Agreement;

(4) to conduct vessel inspections at port and associated enforcement actions;

(5) to assess technology needs and promote the use of technology to improve monitoring, enforcement, and prosecution of IUU fishing;

(6) to conduct DNA-based and forensic identification of seafood used in trade;

(7) to conduct training on techniques, such as collecting electronic evidence and using computer forensics, for law enforcement personnel involved in complex investigations related to international matters, financial issues, and government corruption that include IUU fishing;

(8) to assess financial flows and the use of financial institutions to launder profits related to IUU fishing;

(9) to conduct training on the legal mechanisms that can be used to prosecute those identified in the investigations as alleged perpetrators of IUU fishing and other associated crimes such as trafficking and forced labor; and

(10) to conduct training to raise awareness of the use of whistleblower information and ways to incentivize whistleblowers to come forward with original information related to IUU fishing.

(e) **CAPACITY BUILDING FOR INFORMATION SHARING.**—The officials referred to in subsection (a) shall evaluate opportunities to provide assistance, as appropriate, to key countries in priority regions and priority

flag states in the form of training, equipment, and systems development to build capacity for information sharing related to maritime enforcement and port security.

(f) **COORDINATION WITH OTHER RELEVANT AGENCIES.**—The Secretary of State, in collaboration with the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, and the Secretary of Commerce, shall coordinate with other relevant agencies, as appropriate, in accordance with this section.

##### **SEC. 8544. EXPANSION OF EXISTING MECHANISMS TO COMBAT IUU FISHING.**

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, the Attorney General, and the heads of other appropriate Federal agencies shall assess opportunities to combat IUU fishing by expanding, as appropriate, the use of the following mechanisms:

(1) Including counter-IUU fishing in existing shiprider agreements in which the United States is a party.

(2) Entering into shiprider agreements that include counter-IUU fishing with priority flag states and countries in priority regions with which the United States does not already have such an agreement.

(3) Including counter-IUU fishing as part of the mission of the Combined Maritime Forces.

(4) Including counter-IUU fishing exercises in the annual at-sea exercises conducted by the Department of Defense, in coordination with the United States Coast Guard.

(5) Creating partnerships similar to the Oceania Maritime Security Initiative and the Africa Maritime Law Enforcement Partnership in other priority regions.

##### **SEC. 8545. IMPROVEMENT OF TRANSPARENCY AND TRACEABILITY PROGRAMS.**

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Commerce, and the heads of other Federal agencies, if merited, shall work, as appropriate, with priority flag states and key countries in priority regions—

(1) to increase knowledge within such countries about the United States transparency and traceability standards for imports of seafood and seafood products;

(2) to improve the capacity of seafood industries within such countries through information sharing and training to meet the requirements of transparency and traceability standards for seafood and seafood product imports, including catch documentation and trade tracking programs adopted by relevant regional fisheries management organizations;

(3) to improve the capacities of government, industry, and civil society groups to develop and implement comprehensive traceability systems that—

(A) deter IUU fishing;

(B) strengthen fisheries management; and

(C) enhance maritime domain awareness; and

(4) to support the implementation of seafood traceability standards in such countries to prevent IUU fishing products from entering the global seafood market and assess capacity and training needs in those countries.

##### **SEC. 8546. TECHNOLOGY PROGRAMS.**

The Secretary of State, the Administrator of the United States Agency for International Development, the Commandant of



the Coast Guard when the Coast Guard is operating in, or as a component of, the Department of Homeland Security, the Secretary of Defense, the Secretary of Commerce, and the heads of other Federal agencies, as appropriate, shall pursue programs to expand the role of technology for combating IUU fishing, including by—

(1) promoting the use of technology to combat IUU fishing;

(2) assessing the technology needs, including vessel tracking technologies and data sharing, in priority regions and priority flag states;

(3) engaging with priority flag states to encourage the mandated use of vessel tracking technologies, including vessel monitoring systems, AIS, or other vessel movement monitoring technologies on fishing vessels and transshipment vessels at all times, as appropriate, while at sea as a means to identify IUU fishing activities and the shipment of illegally caught fish products; and

(4) building partnerships with the private sector, including universities, nonprofit research organizations, the seafood industry, and the technology, transportation and logistics sectors, to leverage new and existing technologies and data analytics to address IUU fishing.

#### SEC. 8547. SAVINGS CLAUSE.

No provision of section 8532 or of this part shall impose, or be interpreted to impose, any duty, responsibility, requirement, or obligation on the Department of Defense, the Department of the Navy, or any official or component of either.

### PART II—ESTABLISHMENT OF INTER-AGENCY WORKING GROUP ON IUU FISHING

#### SEC. 8551. INTERAGENCY WORKING GROUP ON IUU FISHING.

(a) IN GENERAL.—There is established a collaborative interagency working group on maritime security and IUU fishing (referred to in this subtitle as the “Working Group”).

(b) MEMBERS.—The members of the Working Group shall be composed of—

(1) 1 chair, who shall rotate between the Coast Guard, the Department of State, and the National Oceanographic and Atmospheric Administration on a 3-year term;

(2) 2 deputy chairs, who shall be appointed by their respective agency heads and shall be from a different Department than that of the chair, from—

(A) the Coast Guard;

(B) the Department of State; and

(C) the National Oceanic and Atmospheric Administration;

(3) 11 members, who shall be appointed by their respective agency heads, from—

(A) the Department of Defense;

(B) the United States Navy;

(C) the United States Agency for International Development;

(D) the United States Fish and Wildlife Service;

(E) the Department of Justice;

(F) the Department of the Treasury;

(G) U.S. Customs and Border Protection;

(H) U.S. Immigration and Customs Enforcement;

(I) the Federal Trade Commission;

(J) the Department of Agriculture;

(K) the Food and Drug Administration; and

(L) the Department of Labor;

(4) 5 members, who shall be appointed by the President, from—

(A) the National Security Council;

(B) the Council on Environmental Quality;

(C) the Office of Management and Budget;

(D) the Office of Science and Technology Policy; and

(E) the Office of the United States Trade Representative.

(c) RESPONSIBILITIES.—The Working Group shall ensure an integrated, Federal Govern-

ment-wide response to IUU fishing globally, including by—

(1) improving the coordination of Federal agencies to identify, interdict, investigate, prosecute, and dismantle IUU fishing operations and organizations perpetrating and knowingly benefitting from IUU fishing;

(2) assessing areas for increased interagency information sharing on matters related to IUU fishing and related crimes;

(3) establishing standards for information sharing related to maritime enforcement;

(4) developing a strategy to determine how military assets and intelligence can contribute to enforcement strategies to combat IUU fishing;

(5) increasing maritime domain awareness relating to IUU fishing and related crimes and developing a strategy to leverage awareness for enhanced enforcement and prosecution actions against IUU fishing;

(6) supporting the adoption and implementation of the Port State Measures Agreement in relevant countries and assessing the capacity and training needs in such countries;

(7) outlining a strategy to coordinate, increase, and use shiprider agreements between the Department of Defense or the Coast Guard and relevant countries;

(8) enhancing cooperation with partner governments to combat IUU fishing;

(9) identifying opportunities for increased information sharing between Federal agencies and partner governments working to combat IUU fishing;

(10) consulting and coordinating with the seafood industry and nongovernmental stakeholders that work to combat IUU fishing;

(11) supporting the work of collaborative international initiatives to make available certified data from state authorities about vessel and vessel-related activities related to IUU fishing;

(12) supporting the identification and certification procedures to address IUU fishing in accordance with the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.); and

(13) publishing annual reports summarizing nonsensitive information about the Working Group's efforts to investigate, enforce, and prosecute groups and individuals engaging in IUU fishing.

#### SEC. 8552. STRATEGIC PLAN.

(a) STRATEGIC PLAN.—Not later than 2 years after the date of the enactment of this title, the Working Group, after consultation with the relevant stakeholders, shall submit to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives a 5-year integrated strategic plan on combating IUU fishing and enhancing maritime security, including specific strategies with monitoring benchmarks for addressing IUU fishing in priority regions.

(b) IDENTIFICATION OF PRIORITY REGIONS AND PRIORITY FLAG STATES.—

(1) IN GENERAL.—The strategic plan submitted under subsection (a) shall identify priority regions and priority flag states to be the focus of assistance coordinated by the Working Group under section 8551.

(2) PRIORITY REGION SELECTION CRITERIA.—In selecting priority regions under paragraph (1), the Working Group shall select regions that—

(A) are at high risk for IUU fishing activity or the entry of illegally caught seafood into their markets; and

(B) lack the capacity to fully address the issues described in subparagraph (A).

(3) PRIORITY FLAG STATES SELECTION CRITERIA.—In selecting priority flag states under paragraph (1), the Working Group shall select countries—

(A) the flagged vessels of which actively engage in, knowingly profit from, or are complicit in IUU fishing; and

(B) that lack the capacity to police their fleet.

#### SEC. 8553. REPORTS.

Not later than 5 years after the submission of the 5-year integrated strategic plan under section 8552, and 5 years after, the Working Group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on the Judiciary of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that contains—

(1) a summary of global and regional trends in IUU fishing;

(2) an assessment of the extent of the convergence between transnational organized illegal activity, including human trafficking and forced labor, and IUU fishing;

(3) an assessment of the topics, data sources, and strategies that would benefit from increased information sharing and recommendations regarding harmonization of data collection and sharing;

(4) an assessment of assets, including military assets and intelligence, which can be used for either enforcement operations or strategies to combat IUU fishing;

(5) summaries of the situational threats with respect to IUU fishing in priority regions and an assessment of the capacity of countries within such regions to respond to those threats;

(6) an assessment of the progress of countries in priority regions in responding to those threats as a result of assistance by the United States pursuant to the strategic plan developed under section 8552, including—

(A) the identification of—

(i) relevant supply routes, ports of call, methods of landing and entering illegally caught product into legal supply chains, and financial institutions used in each country by participants engaging in IUU fishing; and

(ii) indicators of IUU fishing that are related to money laundering;

(B) an assessment of the adherence to, or progress toward adoption of, international treaties related to IUU fishing, including the Port State Measures Agreement, by countries in priority regions;

(C) an assessment of the implementation by countries in priority regions of seafood traceability or capacity to apply traceability to verify the legality of catch and strengthen fisheries management;

(D) an assessment of the capacity of countries in priority regions to implement shiprider agreements;

(E) an assessment of the capacity of countries in priority regions to increase maritime domain awareness; and

(F) an assessment of the capacity of governments of relevant countries in priority regions to sustain the programs for which the United States has provided assistance under this subtitle;

(7) an assessment of the capacity of priority flag states to track the movement of and police their fleet, prevent their flagged vessels from engaging in IUU fishing, and enforce applicable laws and regulations; and

(8) an assessment of the extent of involvement in IUU fishing of organizations designated as foreign terrorist organizations under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

**SEC. 8554. GULF OF MEXICO IUU FISHING SUBWORKING GROUP.**

(a) IN GENERAL.—Not later than 90 days after the date of the enactment of this title, the Administrator of the National Oceanic and Atmospheric Administration, in coordination with the Coast Guard and the Department of State, shall establish a subworking group to address IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico.

(b) FUNCTIONS.—The subworking group established under subsection (a) shall identify—

(1) Federal actions taken and policies established during the 5-year period immediately preceding the date of the enactment of this title with respect to IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico, including such actions and policies related to—

(A) the surveillance, interdiction, and prosecution of any foreign nationals engaged in such fishing; and

(B) the application of the provisions of the High Seas Driftnet Fishing Moratorium Protection Act (16 U.S.C. 1826d et seq.) to any relevant nation, including the status of any past or ongoing consultations and certification procedures;

(2) actions and policies, in addition to the actions and policies described in paragraph (1), each of the Federal agencies described in subsection (a) can take, using existing resources, to combat IUU fishing in the exclusive economic zone of the United States in the Gulf of Mexico; and

(3) any additional authorities that could assist each such agency in more effectively addressing such IUU fishing.

(c) REPORT.—Not later than 1 year after the IUU Fishing Subworking Group is established under subsection (a), the group shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Natural Resources of the House of Representatives that contains—

(1) the findings identified pursuant to subsection (b); and

(2) a timeline for each of the Federal agencies described in subsection (a) to implement each action or policy identified pursuant to subsection (b)(2).

**PART III—COMBATING HUMAN TRAFFICKING IN CONNECTION WITH THE CATCHING AND PROCESSING OF SEAFOOD PRODUCTS**

**SEC. 8561. FINDING.**

Congress finds that human trafficking, including forced labor, is a pervasive problem in the catching and processing of certain seafood products imported into the United States, particularly seafood products obtained through illegal, unreported, and unregulated fishing.

**SEC. 8562. ADDING THE SECRETARY OF COMMERCE TO THE INTERAGENCY TASK FORCE TO MONITOR AND COMBAT TRAFFICKING.**

Section 105(b) of the Victims of Trafficking and Violence Protection Act of 2000 (22 U.S.C. 7103(b)) is amended by inserting “the Secretary of Commerce,” after “the Secretary of Education,”.

**SEC. 8563. HUMAN TRAFFICKING IN THE SEAFOOD SUPPLY CHAIN REPORT.**

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this title, the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration shall jointly submit a

report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the Senate, the Committee on Natural Resources of the House of Representatives, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Appropriations of the House of Representatives that describes the existence of human trafficking, including forced labor, in the supply chains of seafood products imported into the United States.

(b) REPORT ELEMENTS.—The report required under subsection (a) shall include—

(1) a list of the countries at risk for human trafficking, including forced labor, in their seafood catching and processing industries, and an assessment of such risk for each listed country;

(2) a description of the quantity and economic value of seafood products imported into the United States from the countries on the list compiled pursuant to paragraph (1);

(3) a description and assessment of the methods, if any, in the countries on the list compiled pursuant to paragraph (1) to trace and account for the manner in which seafood is caught;

(4) a description of domestic and international enforcement mechanisms to deter illegal practices in the catching of seafood in the countries on the list compiled pursuant to paragraph (1); and

(5) such recommendations as the Secretary of State and the Administrator of the National Oceanic and Atmospheric Administration jointly consider appropriate for legislative or administrative action to enhance and improve actions against human trafficking, including forced labor, in the catching and processing of seafood products outside of United States waters.

**PART IV—AUTHORIZATION OF APPROPRIATIONS**

**SEC. 8571. AUTHORIZATION OF APPROPRIATIONS.**

(a) FUNDING.—Amounts made available to carry out this subtitle shall be derived from amounts appropriated or otherwise made available to the relevant agencies and departments.

(b) NO INCREASE IN CONTRIBUTIONS.—Nothing in this subtitle shall be construed to authorize an increase in required or voluntary contributions paid by the United States to any multilateral or international organization.

**SEC. 8572. ACCOUNTING OF FUNDS.**

By not later than 180 days after the date of enactment of this title, the head of each Federal agency receiving or allocating funds to carry out activities under this subtitle shall, to the greatest extent practicable, prepare and submit to Congress a report that provides an accounting of all funds made available under this subtitle to the Federal agency.

**DIVISION F—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEAR 2020**

**SEC. 9001. SHORT TITLE.**

This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Year 2020”.

**SEC. 9002. DEFINITIONS.**

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

**TITLE XCI—INTELLIGENCE ACTIVITIES**

**SEC. 9101. AUTHORIZATION OF APPROPRIATIONS.**

Funds are hereby authorized to be appropriated for fiscal year 2020 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

**SEC. 9102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 9101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 9101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

**SEC. 9103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2020 the sum of \$558,000,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2020 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 9102(a).

**TITLE XCII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

**SEC. 9201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement

and Disability Fund \$514,000,000 for fiscal year 2020.

### **TITLE XCIII—INTELLIGENCE COMMUNITY MATTERS**

#### **Subtitle A—General Intelligence Community Matters**

#### **SEC. 9301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

#### **SEC. 9302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

#### **SEC. 9303. IMPROVING THE ONBOARDING METHODOLOGY FOR CERTAIN INTELLIGENCE PERSONNEL.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Select Committee on Intelligence and the Committee on Armed Services of the Senate; and

(B) the Permanent Select Committee on Intelligence and the Committee on Armed Services of the House of Representatives.

(2) COVERED ELEMENTS OF THE INTELLIGENCE COMMUNITY.—The term “covered elements of the intelligence community” means the elements of the intelligence community that are within the following:

(A) The Department of Energy.

(B) The Department of Homeland Security.

(C) The Department of Justice.

(D) The Department of State.

(E) The Department of the Treasury.

(b) IN GENERAL.—The Secretary of Defense and the Director of National Intelligence shall, consistent with Department of Defense Instruction 1400.25, as in effect on the day before the date of the enactment of this Act—

(1) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report that outlines a common methodology for measuring onboarding in covered elements of the intelligence community, including human resources and security processes;

(2) not later than 1 year after the date of the enactment of this Act, issue metrics for assessing key phases in the onboarding described in paragraph (1) for which results will be reported by the date that is 90 days after the date of such issuance;

(3) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on collaboration among covered elements of the intelligence community on their onboarding processes;

(4) not later than 180 days after the date of the enactment of this Act, submit to the appropriate committees of Congress a report on employment of automated mechanisms in covered elements of the intelligence community, including for tracking personnel as they pass through each phase of the onboarding process; and

(5) not later than December 31, 2020, distribute surveys to human resources offices and applicants about their experiences with the onboarding process in covered elements of the intelligence community.

#### **SEC. 9304. INTELLIGENCE COMMUNITY PUBLIC-PRIVATE TALENT EXCHANGE.**

(a) POLICIES, PROCESSES, AND PROCEDURES REQUIRED.—Not later than 270 days after the

date of the enactment of this Act, the Director of National Intelligence shall develop policies, processes, and procedures to facilitate the rotation of personnel of the intelligence community to the private sector, and personnel from the private sector to the intelligence community.

(b) DETAIL AUTHORITY.—Under policies developed by the Director pursuant to subsection (a), with the agreement of a private-sector organization, and with the consent of the employee, a head of an element of the intelligence community may arrange for the temporary detail of an employee of such element to such private-sector organization, or from such private-sector organization to such element under this section.

(c) AGREEMENTS.—

(1) IN GENERAL.—A head of an element of the intelligence community exercising the authority of the head under subsection (a) shall provide for a written agreement among the element of the intelligence community, the private-sector organization, and the employee concerned regarding the terms and conditions of the employee's detail under this section. The agreement—

(A) shall require that the employee of the element, upon completion of the detail, serve in the element, or elsewhere in the civil service if approved by the head of the element, for a period of at least equal to the length of the detail;

(B) shall provide that if the employee of the element fails to carry out the agreement, such employee shall be liable to the United States for payment of all non-salary and benefit expenses of the detail, unless that failure was for good and sufficient reason, as determined by the head of the element;

(C) shall contain language informing such employee of the prohibition on improperly sharing or using non-public information that such employee may be privy to or aware of related to element programming, budgeting, resourcing, acquisition, or procurement for the benefit or advantage of the private-sector organization; and

(D) shall contain language requiring the employee to acknowledge the obligations of the employee under section 1905 of title 18, United States Code (relating to trade secrets).

(2) AMOUNT OF LIABILITY.—An amount for which an employee is liable under paragraph (1) shall be treated as a debt due the United States.

(3) WAIVER.—The head of an element of the intelligence community may waive, in whole or in part, collection of a debt described in paragraph (2) based on a determination that the collection would be against equity and good conscience and not in the best interests of the United States, after taking into account any indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee.

(d) TERMINATION.—A detail under this section may, at any time and for any reason, be terminated by the head of the element of the intelligence community concerned or the private-sector organization concerned.

(e) DURATION.—

(1) IN GENERAL.—A detail under this section shall be for a period of not less than 3 months and not more than 2 years, renewable up to a total of 3 years.

(2) LONGER PERIODS.—A detail under this section may be for a period in excess of 2 years, but not more than 3 years, if the head of the element making the detail determines that such detail is necessary to meet critical mission or program requirements.

(3) LIMITATION.—No employee of an element of the intelligence community may be detailed under this section for more than a total of 5 years, inclusive of all such details.

(f) STATUS OF FEDERAL EMPLOYEES DETAILED TO PRIVATE-SECTOR ORGANIZATIONS.—

(1) IN GENERAL.—An employee of an element of the intelligence community who is detailed to a private-sector organization under this section shall be considered, during the period of detail, to be on a regular work assignment in the element for all purposes. The written agreement established under subsection (c)(1) shall address the specific terms and conditions related to the employee's continued status as a Federal employee.

(2) REQUIREMENTS.—In establishing a temporary detail of an employee of an element of the intelligence community to a private-sector organization, the head of the element shall—

(A) certify that the temporary detail of such employee shall not have an adverse or negative impact on mission attainment or organizational capabilities associated with the detail; and

(B) in the case of an element of the intelligence community in the Department of Defense, ensure that the normal duties and functions of such employees are not, as a result of and during the course of such temporary detail, performed or augmented by contractor personnel in violation of the provisions of section 2461 of title 10, United States Code.

(g) TERMS AND CONDITIONS FOR PRIVATE-SECTOR EMPLOYEES.—An employee of a private-sector organization who is detailed to an element of the intelligence community under this section—

(1) shall continue to receive pay and benefits from the private-sector organization from which such employee is detailed and shall not receive pay or benefits from the element, except as provided in paragraph (2);

(2) is deemed to be an employee of the element for the purposes of—

(A) chapters 73 and 81 of title 5, United States Code;

(B) sections 201, 203, 205, 207, 208, 209, 603, 606, 607, 643, 654, 1905, and 1913 of title 18, United States Code;

(C) sections 1343, 1344, and 1349(b) of title 31, United States Code;

(D) chapter 171 of title 28, United States Code (commonly known as the “Federal Tort Claims Act”) and any other Federal tort liability statute;

(E) the Ethics in Government Act of 1978 (5 U.S.C. App.); and

(F) chapter 21 of title 41, United States Code;

(3) may perform work that is considered inherently governmental in nature only when requested in writing by the head of the element;

(4) may not be used to circumvent any limitation or restriction on the size of the workforce of the element;

(5) shall be subject to the same requirements applicable to an employee performing the same functions and duties proposed for performance by the private sector employee; and

(6) in the case of an element of the intelligence community in the Department of Defense, may not be used to circumvent the provisions of section 2461 of title 10, United States Code.

(h) PROHIBITION AGAINST CHARGING CERTAIN COSTS TO THE FEDERAL GOVERNMENT.—A private-sector organization may not charge an element of the intelligence community or any other agency of the Federal Government, as direct costs under a Federal contract, the costs of pay or benefits paid by the organization to an employee detailed to an element of the intelligence community under this section for the period of the detail and any subsequent renewal periods.

(i) ADDITIONAL ADMINISTRATIVE MATTERS.—In carrying out this section, the Director, pursuant to procedures developed under subsection (a)—

(1) shall, to the degree practicable, ensure that small business concerns are represented with respect to details authorized by this section;

(2) may, notwithstanding any other provision of law, establish criteria for elements of the intelligence community to use appropriated funds to reimburse small business concerns for the salaries and benefits of its employees during the periods when the small business concern agrees to detail its employees to the intelligence community under this section;

(3) shall take into consideration the question of how details under this section might best be used to help meet the needs of the intelligence community, including with respect to the training of employees;

(4) shall take into consideration areas of private-sector expertise that are critical to the intelligence community; and

(5) shall establish oversight mechanisms to determine whether the public-private exchange authorized by this section improves the efficiency and effectiveness of the intelligence community.

(j) DEFINITIONS.—In this section:

(1) DETAIL.—The term “detail” means, as appropriate in the context in which such term is used—

(A) the assignment or loan of an employee of an element of the intelligence community to a private-sector organization without a change of position from the intelligence community element that employs the individual; or

(B) the assignment or loan of an employee of a private-sector organization to an element of the intelligence community without a change of position from the private-sector organization that employs the individual.

(2) PRIVATE-SECTOR ORGANIZATION.—The term “private-sector organization” means—

(A) a for-profit organization; or

(B) a not-for-profit organization.

(3) SMALL BUSINESS CONCERN.—The term “small business concern” has the meaning given such term in section 3703(e)(2) of title 5, United States Code.

#### **SEC. 9305. EXPANSION OF SCOPE OF PROTECTIONS FOR IDENTITIES OF COVERT AGENTS.**

Section 605(4) of the National Security Act of 1947 (50 U.S.C. 3126(4)) is amended—

(1) in subparagraph (A)—

(A) by striking clause (ii);

(B) in clause (i), by striking “, and” and inserting “; or”; and

(C) by striking “agency—” and all that follows through “whose identity” and inserting “agency whose identity”; and

(2) in subparagraph (B)(i), by striking “resides and acts outside the United States” and inserting “acts”.

#### **SEC. 9306. INCLUSION OF SECURITY RISKS IN PROGRAM MANAGEMENT PLANS REQUIRED FOR ACQUISITION OF MAJOR SYSTEMS IN NATIONAL INTELLIGENCE PROGRAM.**

Section 102A(q)(1)(A) of the National Security Act of 1947 (50 U.S.C. 3024(q)(1)(A)) is amended by inserting “security risks,” after “schedule.”.

#### **SEC. 9307. PAID PARENTAL LEAVE.**

(a) PURPOSE.—The purpose of this section is to—

(1) help the intelligence community recruit and retain a dynamic, multi-talented, and diverse workforce capable of meeting the security goals of the United States; and

(2) establish best practices and processes for other elements of the Federal Government seeking to pursue similar policies.

(b) AUTHORIZATION OF PAID PARENTAL LEAVE FOR INTELLIGENCE COMMUNITY EMPLOYEES.—

(1) IN GENERAL.—Title III of the National Security Act of 1947 (50 U.S.C. 3071 et seq.) is

amended by inserting after section 304 the following:

#### **“SEC. 305. PAID PARENTAL LEAVE.**

“(a) PAID PARENTAL LEAVE.—Notwithstanding any other provision of law, a civilian employee of an element of the intelligence community shall have available a total of 12 administrative workweeks of paid parental leave in the event of the birth of a son or daughter to the employee, or placement of a son or daughter with the employee for adoption or foster care, and in order to care for such son or daughter, to be used during the 12-month period beginning on the date of the birth or placement.

“(b) TREATMENT OF PARENTAL LEAVE REQUEST.—Notwithstanding any other provision of law—

“(1) an element of the intelligence community shall accommodate an employee’s leave schedule request under subsection (a), including a request to use such leave intermittently or on a reduced leave schedule, to the extent that the requested leave schedule does not unduly disrupt agency operations; and

“(2) to the extent that an employee’s requested leave schedule as described in paragraph (1) is based on medical necessity related to a serious health condition connected to the birth of a son or daughter, the employing element shall handle the scheduling consistent with the treatment of employees who are using leave under subparagraph (C) or (D) of section 6382(a)(1) of title 5, United States Code.

“(c) RULES RELATING TO PAID LEAVE.—Notwithstanding any other provision of law—

“(1) an employee may not be required to first use all or any portion of any unpaid leave available to the employee before being allowed to use the paid parental leave described in subsection (a); and

“(2) paid parental leave under subsection (a)—

“(A) shall be payable from any appropriation or fund available for salaries or expenses for positions within the employing element;

“(B) may not be considered to be annual or vacation leave for purposes of section 5551 or 5552 of title 5, United States Code, or for any other purpose;

“(C) if not used by the employee before the end of the 12-month period described in subsection (a) to which the leave relates, may not be available for any subsequent use and may not be converted into a cash payment;

“(D) may be granted only to the extent that the employee does not receive a total of more than 12 weeks of paid parental leave in any 12-month period beginning on the date of a birth or placement;

“(E) may not be granted—

“(i) in excess of a lifetime aggregate total of 30 administrative workweeks based on placements of a foster child for any individual employee; or

“(ii) in connection with temporary foster care placements expected to last less than 1 year;

“(F) may not be granted for a child being placed for foster care or adoption if such leave was previously granted to the same employee when the same child was placed with the employee for foster care in the past;

“(G) shall be used in increments of hours (or fractions thereof), with 12 administrative workweeks equal to 480 hours for employees with a regular full-time work schedule and converted to a proportional number of hours for employees with part-time, seasonal, or uncommon tours of duty; and

“(H) may not be used during off-season (nonpay status) periods for employees with seasonal work schedules.

“(d) IMPLEMENTATION PLAN.—Not later than 1 year after the date of enactment of

this section, the Director of National Intelligence shall provide the congressional intelligence committees with an implementation plan that includes—

“(1) processes and procedures for implementing the paid parental leave policies under subsections (a) through (c);

“(2) an explanation of how the implementation of subsections (a) through (c) will be reconciled with policies of other elements of the Federal Government, including the impact on elements funded by the National Intelligence Program that are housed within agencies outside the intelligence community;

“(3) the projected impact of the implementation of subsections (a) through (c) on the workforce of the intelligence community, including take rates, retention, recruiting, and morale, broken down by each element of the intelligence community; and

“(4) all costs or operational expenses associated with the implementation of subsections (a) through (c).

“(e) DIRECTIVE.—Not later than 90 days after the Director of National Intelligence submits the implementation plan under subsection (d), the Director of National Intelligence shall issue a written directive to implement this section, which directive shall take effect on the date of issuance.

“(f) ANNUAL REPORT.—The Director of National Intelligence shall submit to the congressional intelligence committees an annual report that—

“(1) details the number of employees of each element of the intelligence community who applied for and took paid parental leave under subsection (a) during the year covered by the report; and

“(2) includes updates on major implementation challenges or costs associated with paid parental leave.

“(g) DEFINITION OF SON OR DAUGHTER.—For purposes of this section, the term ‘son or daughter’ has the meaning given the term in section 6381 of title 5, United States Code.”.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 304 the following:

“Sec. 305. Paid parental leave.”.

(c) APPLICABILITY.—Section 305 of the National Security Act of 1947, as added by subsection (b), shall apply with respect to leave taken in connection with the birth or placement of a son or daughter that occurs on or after the date on which the Director of National Intelligence issues the written directive under subsection (e) of such section 305.

#### **Subtitle B—Office of the Director of National Intelligence**

#### **SEC. 9311. EXCLUSIVITY, CONSISTENCY, AND TRANSPARENCY IN SECURITY CLEARANCE PROCEDURES.**

(a) EXCLUSIVITY OF PROCEDURES.—Section 801 of the National Security Act of 1947 (50 U.S.C. 3161) is amended by adding at the end the following:

“(c) EXCLUSIVITY.—Except as provided in subsection (b) and subject to sections 801A and 801B, the procedures established pursuant to subsection (a) shall be the exclusive procedures by which decisions about eligibility for access to classified information are governed.”.

(b) TRANSPARENCY.—Such section is further amended by adding at the end the following:

“(d) PUBLICATION.—

“(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this subsection, the President shall—

“(A) publish in the Federal Register the procedures established pursuant to subsection (a); or

“(B) submit to Congress a certification that the procedures currently in effect that govern access to classified information as described in subsection (a)—

“(i) are published in the Federal Register; and

“(ii) comply with the requirements of subsection (a).

“(2) UPDATES.—Whenever the President makes a revision to a procedure established pursuant to subsection (a), the President shall publish such revision in the Federal Register not later than 30 days before the date on which the revision becomes effective.”.

(c) CONSISTENCY.—

(1) IN GENERAL.—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended by inserting after section 801 the following:

**“SEC. 801A. DECISIONS RELATING TO ACCESS TO CLASSIFIED INFORMATION.**

“(a) DEFINITIONS.—In this section:

“(1) AGENCY.—The term ‘agency’ has the meaning given the term ‘Executive agency’ in section 105 of title 5, United States Code.

“(2) CLASSIFIED INFORMATION.—The term ‘classified information’ includes sensitive compartmented information, restricted data, restricted handling information, and other compartmented information.

“(3) ELIGIBILITY FOR ACCESS TO CLASSIFIED INFORMATION.—The term ‘eligibility for access to classified information’ has the meaning given such term in the procedures established pursuant to section 801(a).

“(b) IN GENERAL.—Each head of an agency that makes a determination regarding eligibility for access to classified information shall ensure that in making the determination, the head of the agency or any person acting on behalf of the agency—

“(1) does not violate any right or protection enshrined in the Constitution of the United States, including rights articulated in the First, Fifth, and Fourteenth Amendments;

“(2) does not discriminate for or against an individual on the basis of race, color, religion, sex, national origin, age, or handicap;

“(3) is not carrying out—

“(A) retaliation for political activities or beliefs; or

“(B) a coercion or reprisal described in section 2302(b)(3) of title 5, United States Code; and

“(4) does not violate section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).”.

(2) CLERICAL AMENDMENT.—The table of contents in the matter preceding section 2 of the National Security Act of 1947 (50 U.S.C. 3002) is amended by inserting after the item relating to section 801 the following:

“Sec. 801A. Decisions relating to access to classified information.”.

**SEC. 9312. LIMITATION ON TRANSFER OF NATIONAL INTELLIGENCE UNIVERSITY.**

(a) LIMITATION.—Neither the Secretary of Defense nor the Director of National Intelligence may commence any activity to transfer the National Intelligence University out of the Defense Intelligence Agency until the Secretary and the Director jointly certify each of the following:

(1) The National Intelligence University has positively adjudicated its warning from the Middle States Commission on Higher Education and had its regional accreditation fully restored.

(2) The National Intelligence University will serve as the exclusive means by which advanced intelligence education is provided to personnel of the Department of Defense.

(3) Military personnel will receive joint professional military education from a National Intelligence University location at a non-Department of Defense agency.

(4) The Department of Education will allow the Office of the Director of National Intelligence to grant advanced educational degrees.

(5) A governance model jointly led by the Director and the Secretary of Defense is in place for the National Intelligence University.

(b) COST ESTIMATES.—

(1) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate; and

(C) the Committee on Armed Services of the House of Representatives.

(2) IN GENERAL.—Before commencing any activity to transfer the National Intelligence University out of the Defense Intelligence Agency, the Secretary of Defense and the Director of National Intelligence shall jointly submit to the appropriate committees of Congress an estimate of the direct and indirect costs of operating the National Intelligence University and the costs of transferring the National Intelligence University to another agency.

(3) CONTENTS.—The estimate submitted under paragraph (2) shall include all indirect costs, including with respect to human resources, security, facilities, and information technology.

**SEC. 9313. IMPROVING VISIBILITY INTO THE SECURITY CLEARANCE PROCESS.**

(a) DEFINITION OF SECURITY EXECUTIVE AGENT.—In this section, the term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 10605 of division G.

(b) POLICY REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall issue a policy that requires the head of each Federal agency to create, not later than December 31, 2023, an electronic portal that can be used by human resources personnel and applicants for security clearances to view information about the status of an application for a security clearance and the average time required for each phase of the security clearance process.

**SEC. 9314. MAKING CERTAIN POLICIES AND EXECUTION PLANS RELATING TO PERSONNEL CLEARANCES AVAILABLE TO INDUSTRY PARTNERS.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE INDUSTRY PARTNER.—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program), as in effect on the day before the date of the enactment of this Act) that is participating in the National Industrial Security Program established by such Executive Order.

(2) SECURITY EXECUTIVE AGENT.—The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 10605 of division G.

(b) SHARING OF POLICIES AND PLANS REQUIRED.—Each head of a Federal agency shall share policies and plans relating to security clearances with appropriate industry partners directly affected by such policies and plans in a manner consistent with the protection of national security as well as the goals and objectives of the National Industrial Security Program administered pursuant to Executive Order 12829 (50 U.S.C. 3161 note; relating to the National Industrial Security Program).

(c) DEVELOPMENT OF POLICIES AND PROCEDURES REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Director of the National Industrial Security Program shall jointly develop policies and procedures by which appropriate industry partners with proper security clearances and a need to know can have appropriate access to the policies and plans shared pursuant to subsection (b) that directly affect those industry partners.

**Subtitle C—Inspector General of the Intelligence Community**

**SEC. 9321. DEFINITIONS.**

In this subtitle:

(1) WHISTLEBLOWER.—The term “whistleblower” means a person who makes a whistleblower disclosure.

(2) WHISTLEBLOWER DISCLOSURE.—The term “whistleblower disclosure” means a disclosure that is protected under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234) or section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)).

**SEC. 9322. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.**

(a) AUTHORITY TO CONVENE EXTERNAL REVIEW PANELS.—

(1) IN GENERAL.—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

**“SEC. 1105. INSPECTOR GENERAL EXTERNAL REVIEW PANEL.**

“(a) REQUEST FOR REVIEW.—An individual with a claim described in subsection (b) may submit to the Inspector General of the Intelligence Community a request for a review of such claim by an external review panel convened under subsection (c).

“(b) CLAIMS AND INDIVIDUALS DESCRIBED.—A claim described in this subsection is any—

“(1) claim by an individual—

“(A) that the individual has been subjected to a personnel action that is prohibited under section 1104; and

“(B) who has exhausted the applicable review process for the claim pursuant to enforcement of such section; or

“(2) claim by an individual—

“(A) that he or she has been subjected to a reprisal prohibited by paragraph (1) of section 3001(j) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)); and

“(B) who received a decision on an appeal regarding that claim under paragraph (4) of such section.

“(c) EXTERNAL REVIEW PANEL CONVENED.—

“(1) DISCRETION TO CONVENE.—Upon receipt of a request under subsection (a) regarding a claim, the Inspector General of the Intelligence Community may, at the discretion of the Inspector General, convene an external review panel under this subsection to review the claim.

“(2) MEMBERSHIP.—

“(A) COMPOSITION.—An external review panel convened under this subsection shall be composed of three members as follows:

“(i) The Inspector General of the Intelligence Community.

“(ii) Except as provided in subparagraph (B), two members selected by the Inspector General as the Inspector General considers appropriate on a case-by-case basis from among inspectors general of the following:

“(I) The Department of Defense.

“(II) The Department of Energy.

“(III) The Department of Homeland Security.

“(IV) The Department of Justice.

“(V) The Department of State.

“(VI) The Department of the Treasury.

“(VII) The Central Intelligence Agency.

“(VIII) The Defense Intelligence Agency.

“(IX) The National Geospatial-Intelligence Agency.

“(X) The National Reconnaissance Office.

“(XI) The National Security Agency.

“(B) LIMITATION.—An inspector general of an agency may not be selected to sit on the panel under subparagraph (A)(ii) to review any matter relating to a decision made by such agency.

“(C) CHAIRPERSON.—

“(i) IN GENERAL.—Except as provided in clause (ii), the chairperson of any panel convened under this subsection shall be the Inspector General of the Intelligence Community.

“(ii) CONFLICTS OF INTEREST.—If the Inspector General of the Intelligence Community finds cause to recuse himself or herself from a panel convened under this subsection, the Inspector General of the Intelligence Community shall—

“(I) select a chairperson from inspectors general of the elements listed under subparagraph (A)(ii) whom the Inspector General of the Intelligence Community considers appropriate; and

“(II) notify the congressional intelligence committees of such selection.

“(3) PERIOD OF REVIEW.—Each external review panel convened under this subsection to review a claim shall complete review of the claim no later than 270 days after the date on which the Inspector General convenes the external review panel.

“(d) REMEDIES.—

“(1) PANEL RECOMMENDATIONS.—If an external review panel convened under subsection (c) determines, pursuant to a review of a claim submitted by an individual under subsection (a), that the individual was the subject of a personnel action prohibited under section 1104 or was subjected to a reprisal prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)), the panel may recommend that the agency head take corrective action—

“(A) in the case of an employee or former employee—

“(i) to return the employee or former employee, as nearly as practicable and reasonable, to the position such employee or former employee would have held had the reprisal not occurred; or

“(ii) reconsider the employee's or former employee's eligibility for access to classified information consistent with national security; or

“(B) in any other case, such other action as the external review panel considers appropriate.

“(2) AGENCY ACTION.—

“(A) IN GENERAL.—Not later than 90 days after the date on which the head of an agency receives a recommendation from an external review panel under paragraph (1), the head shall—

“(i) give full consideration to such recommendation; and

“(ii) inform the panel and the Director of National Intelligence of what action the head has taken with respect to the recommendation.

“(B) FAILURE TO INFORM.—The Director shall notify the President of any failures to comply with subparagraph (A)(ii).

“(e) ANNUAL REPORTS.—

“(1) IN GENERAL.—Not less frequently than once each year, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees and the Director of National Intelligence a report on the activities under this section during the previous year.

“(2) CONTENTS.—Subject to such limitations as the Inspector General of the Intelligence Community considers necessary to

protect the privacy of an individual who has made a claim described in subsection (b), each report submitted under paragraph (1) shall include, for the period covered by the report, the following:

“(A) The determinations and recommendations made by the external review panels convened under this section.

“(B) The responses of the heads of agencies that received recommendations from the external review panels.”.

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by adding at the end the following new item:

“Sec. 1105. Inspector General external review panel.”.

(b) RECOMMENDATION ON ADDRESSING WHISTLEBLOWER APPEALS RELATING TO REPRISAL COMPLAINTS AGAINST INSPECTORS GENERAL.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a recommendation on how to ensure that—

(A) a whistleblower in the intelligence community who has a complaint against an inspector general in the intelligence community and who alleges a reprisal, has available the agency adjudication and appellate review provided under section 1104 of the National Security Act of 1947 (50 U.S.C. 3234); and

(B) any such whistleblower who has exhausted the applicable review process may request an external review panel and receive one, at the discretion of the Inspector General of the Intelligence Community.

(2) CONTENTS.—The recommendation submitted pursuant to paragraph (1) shall include the following:

(A) A discussion of whether and to what degree section 1105 of the National Security Act of 1947, as added by subsection (a)(1), provides appropriate authorities and mechanisms to provide an external review panel as described in paragraph (1) of this subsection and for the purposes described in such paragraph.

(B) Such recommendations for legislative or administrative action as the Inspector General may have with respect to providing an external review panel as described in paragraph (1) and for the purposes described in such paragraph.

**SEC. 9323. HARMONIZATION OF WHISTLEBLOWER PROCESSES AND PROCEDURES.**

(a) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in coordination with the Intelligence Community Inspectors General Forum, shall develop recommendations, applicable to all inspectors general of elements of the intelligence community, regarding the harmonization of instructions, policies, and directives relating to processes, procedures, and timelines for claims and appeals relating to allegations of personnel actions prohibited under section 1104 of the National Security Act of 1947 or reprisals prohibited by section 3001(j)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341(j)(1)).

(b) TRANSPARENCY AND PROTECTION.—In developing recommendations under subsection (a), the Inspector General of the Intelligence Community shall make efforts to maximize transparency and protect whistleblowers.

**SEC. 9324. INTELLIGENCE COMMUNITY OVERSIGHT OF AGENCY WHISTLEBLOWER ACTIONS.**

(a) FEASIBILITY STUDY.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community, in consultation with the Intelligence

Community Inspectors General Forum, shall complete a feasibility study on establishing a hotline whereby all complaints of whistleblowers relating to the intelligence community are automatically referred to the Inspector General of the Intelligence Community.

(2) ELEMENTS.—The feasibility study conducted pursuant to paragraph (1) shall include the following:

(A) The anticipated number of annual whistleblower complaints received by all elements of the intelligence community.

(B) The additional resources required to implement the hotline, including personnel and technology.

(C) The resulting budgetary effects.

(D) Findings from the system established pursuant to subsection (b).

(b) OVERSIGHT SYSTEM REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall establish a system whereby the Inspector General is provided, in near real time, the following:

(1) All information relating to complaints by whistleblowers relating to the programs and activities under the jurisdiction of the Director of National Intelligence.

(2) Any inspector general actions relating to such complaints.

(c) PRIVACY PROTECTIONS.—

(1) POLICIES AND PROCEDURES REQUIRED.—Before establishing the system required by subsection (b), the Inspector General of the Intelligence Community shall establish policies and procedures to protect the privacy of whistleblowers and protect against further dissemination of whistleblower information without consent of the whistleblower.

(2) CONTROL OF DISTRIBUTION.—The system established under subsection (b) shall provide whistleblowers the option of prohibiting distribution of their complaints to the Inspector General of the Intelligence Community.

**SEC. 9325. REPORT ON CLEARED WHISTLEBLOWER ATTORNEYS.**

(a) REPORT REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on access to cleared attorneys by whistleblowers in the intelligence community.

(b) CONTENTS.—The report submitted pursuant to subsection (a) shall include the following:

(1) The number of whistleblowers in the intelligence community who sought to retain a cleared attorney and at what stage they sought such an attorney.

(2) For the 3-year period preceding the report, the following:

(A) The number of limited security agreements (LSAs).

(B) The scope and clearance levels of such limited security agreements.

(C) The number of whistleblowers represented by cleared counsel.

(3) Recommendations for legislative or administrative action to ensure that whistleblowers in the intelligence community have access to cleared attorneys, including improvements to the limited security agreement process and such other options as the Inspector General of the Intelligence Community considers appropriate.

(c) SURVEY.—The Inspector General of the Intelligence Community shall ensure that the report submitted under subsection (a) is based on—

(1) data from a survey of whistleblowers whose claims are reported to the Inspector General of the Intelligence Community by means of the oversight system established pursuant to section 9324;



(2) information obtained from the inspectors general of the intelligence community; or

(3) information from such other sources as may be identified by the Inspector General of the Intelligence Community.

#### TITLE XCIV—REPORTS AND OTHER MATTERS

##### SEC. 9401. STUDY ON FOREIGN EMPLOYMENT OF FORMER PERSONNEL OF INTELLIGENCE COMMUNITY.

(a) **STUDY.**—The Director of National Intelligence, in coordination with the Secretary of Defense and the Secretary of State, shall conduct a study of matters relating to the foreign employment of former personnel of the intelligence community.

(b) **ELEMENTS.**—The study conducted pursuant to subsection (a) shall address the following:

(1) Issues that pertain to former employees of the intelligence community working with, or in support of, foreign governments, and the nature and scope of those concerns.

(2) Such legislative or administrative action as may be necessary for both front-end screening and in-progress oversight by the Director of Defense Trade Controls of licenses issued by the Director for former employees of the intelligence community working for foreign governments.

(3) How increased requirements could be imposed for periodic compliance reporting when licenses are granted for companies or organizations that employ former personnel of the intelligence community to execute contracts with foreign governments.

(c) **REPORT AND PLAN.**—

(1) **DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.**—In this subsection, the term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Foreign Relations of the Senate; and

(C) the Committee on Armed Services and the Committee on Foreign Affairs of the House of Representatives.

(2) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress—

(A) a report on the findings of the Director with respect to the study conducted pursuant to subsection (a); and

(B) a plan to carry out such administrative actions as the Director considers appropriate pursuant to the findings described in subparagraph (A).

##### SEC. 9402. COMPREHENSIVE ECONOMIC ASSESSMENT OF INVESTMENT IN KEY UNITED STATES TECHNOLOGIES BY COMPANIES OR ORGANIZATIONS LINKED TO CHINA.

(a) **ASSESSMENT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of the Treasury, and the heads of such other Federal agencies as the Director of National Intelligence considers appropriate, shall submit to the congressional intelligence committees a comprehensive economic assessment of investment in key United States technologies, including emerging technologies, by companies or organizations linked to China, including the implications of these investments for the national security of the United States.

(b) **FORM OF ASSESSMENT.**—The assessment submitted under subsection (a) shall be sub-

mitted in unclassified form, but may include a classified annex.

##### SEC. 9403. ANALYSIS OF AND PERIODIC BRIEFINGS ON MAJOR INITIATIVES OF INTELLIGENCE COMMUNITY IN ARTIFICIAL INTELLIGENCE AND MACHINE LEARNING.

(a) **ANALYSIS.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the heads of such elements of the intelligence community as the Director considers appropriate—

(A) complete a comprehensive analysis of the major initiatives of the intelligence community in artificial intelligence and machine learning; and

(B) submit to the congressional intelligence committees a report on the findings of the Director with respect to the analysis conducted pursuant to subparagraph (A).

(2) **ELEMENTS.**—The analysis conducted under paragraph (1)(A) shall include analyses of how the initiatives described in such paragraph—

(A) correspond with the strategy of the intelligence community entitled “Augmenting Intelligence Using Machines”;

(B) complement each other and avoid unnecessary duplication;

(C) are coordinated with the efforts of the Defense Department on artificial intelligence, including efforts at the Joint Artificial Intelligence Center (JAIC) and Project Maven; and

(D) leverage advances in artificial intelligence and machine learning in the private sector.

(b) **PERIODIC BRIEFINGS.**—Not later than 30 days after the date of the enactment of this Act, not less frequently than twice each year thereafter until the date that is 2 years after the date of the enactment of this Act, and not less frequently than once each year thereafter until the date that is 7 years after the date of the enactment of this Act, the Director and the Chief Information Officer of the Department of Defense shall jointly provide to the congressional intelligence committees and congressional defense committees (as defined in section 101 of title 10, United States Code) briefings with updates on activities relating to, and the progress of, their respective artificial intelligence and machine learning initiatives, particularly the Augmenting Intelligence Using Machines initiative and the Joint Artificial Intelligence Center.

##### SEC. 9404. ENCOURAGING COOPERATIVE ACTIONS TO DETECT AND COUNTER FOREIGN INFLUENCE OPERATIONS.

(a) **FINDINGS.**—Congress makes the following findings:

(1) The Russian Federation, through military intelligence units, also known as the “GRU”, and Kremlin-linked troll organizations often referred to as the “Internet Research Agency”, deploy information warfare operations against the United States, its allies and partners, with the goal of advancing the strategic interests of the Russian Federation.

(2) One line of effort deployed as part of these information warfare operations is the weaponization of social media platforms with the goals of intensifying societal tensions, undermining trust in governmental institutions within the United States, its allies and partners in the West, and generally sowing division, fear, and confusion.

(3) These information warfare operations are a threat to the national security of the United States and that of the allies and partners of the United States. As Director of National Intelligence Dan Coats stated, “These actions are persistent, they are pervasive and they are meant to undermine America’s democracy.”

(4) These information warfare operations continue to evolve and increase in sophistication.

(5) Other foreign adversaries and hostile non-state actors will increasingly adopt similar tactics of deploying information warfare operations against the West.

(6) Technological advances, including artificial intelligence, will only make it more difficult in the future to detect fraudulent accounts, deceptive material posted on social media, and malign behavior on social media platforms.

(7) Because these information warfare operations are deployed within and across private social media platforms, the companies that own these platforms have a responsibility to detect and remove foreign adversary networks operating clandestinely on their platforms.

(8) The social media companies are inherently technologically sophisticated and adept at rapidly analyzing large amounts of data and developing software-based solutions to diverse and ever-changing challenges on their platforms, which makes them well-equipped to address the threat occurring on their platforms.

(9) Independent analyses confirmed Kremlin-linked threat networks, based on data provided by several social media companies to the Select Committee on Intelligence of the Senate, thereby demonstrating that it is possible to discern both broad patterns of cross-platform information warfare operations and specific fraudulent behavior on social media platforms.

(10) General Paul Nakasone, Director of the National Security Agency, emphasized the importance of these independent analyses to the planning and conduct of military cyber operations to frustrate Kremlin-linked information warfare operations against the 2018 mid-term elections. General Nakasone stated that the reports “were very, very helpful in terms of being able to understand exactly what our adversary was trying to do to build dissent within our nation.”

(11) Institutionalizing ongoing robust, independent, and vigorous analysis of data related to foreign threat networks within and across social media platforms will help counter ongoing information warfare operations against the United States, its allies, and its partners.

(12) Archiving and disclosing to the public the results of these analyses by the social media companies and trusted third-party experts in a transparent manner will serve to demonstrate that the social media companies are detecting and removing foreign malign activities from their platforms while protecting the privacy of the people of the United States and will build public understanding of the scale and scope of these foreign threats to our democracy, since exposure is one of the most effective means to build resilience.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that—

(1) the social media companies should cooperate among themselves and with independent organizations and researchers on a sustained and regular basis to share and analyze data and indicators relevant to foreign information warfare operations within and across their platforms in order to detect and counter foreign information warfare operations that threaten the national security of the United States and its allies and partners;

(2) these analytic efforts should be organized in such a fashion as to meet the highest standards of ethics, confidentiality, and privacy protection of the people of the United States;

(3) these analytic efforts should be undertaken as soon as possible to facilitate countering ongoing Kremlin, Kremlin-linked, and



other foreign information warfare operations and to aid in preparations for the United States presidential and congressional elections in 2020 and beyond;

(4) the structure and operations of social media companies make them well positioned to address foreign adversary threat networks within and across their platforms, and these efforts could be conducted without direct Government involvement, direction, or regulation; and

(5) if the social media industry fails to take sufficient action to address foreign adversary threat networks operating within or across their platforms, Congress would have to consider additional safeguards for ensuring that this threat is effectively mitigated.

**(C) AUTHORITY TO FACILITATE ESTABLISHMENT OF SOCIAL MEDIA DATA ANALYSIS CENTER.—**

(1) **AUTHORITY.**—The Director of National Intelligence, in coordination with the Secretary of Defense, may facilitate, by grant or contract or under an existing authority of the Director, the establishment of a Social Media Data Analysis Center with the functions described in paragraph (2) at an independent, nonprofit organization.

(2) **FUNCTIONS.**—The functions described in this paragraph are the following:

(A) Acting as a convening and sponsoring authority for cooperative social media data analysis of foreign threat networks involving social media companies and third-party experts, nongovernmental organizations, data journalists, federally funded research and development centers, and academic researchers.

(B) Facilitating analysis within and across the individual social media platforms for the purpose of detecting, exposing, and countering clandestine foreign influence operations and related unlawful activities that fund or subsidize such operations.

(C) Developing processes to share information from government entities on foreign influence operations with the individual social media companies to inform threat analysis, and working with the Office of the Director of National Intelligence as appropriate.

(D) Determining and making public criteria for identifying which companies, organizations, or researchers qualify for inclusion in the activities of the Center, and inviting entities that fit the criteria to join.

(E) Determining jointly with the social media companies what data and metadata related to indicators of foreign adversary threat networks from their platforms and business operations will be made available for access and analysis.

(F) Developing and making public the criteria and standards that must be met for companies, other organizations, and individual researchers to access and analyze data relating to foreign adversary threat networks within and across social media platforms and publish or otherwise use the results.

(G) Developing and making public the ethical standards for investigation of foreign threat networks and use of analytic results and for protection of the privacy of the customers and users of the social media platforms and of the proprietary information of the social media companies.

(H) Developing technical, contractual, and procedural controls to prevent misuse of data, including any necessary auditing procedures, compliance checks, and review mechanisms.

(I) Developing and making public criteria and conditions under which the Center shall share information with the appropriate Government agencies regarding threats to national security from, or violations of the law involving, foreign activities on social media platforms.

(J) Developing a searchable, public archive aggregating information related to foreign influence and disinformation operations to build a collective understanding of the threats and facilitate future examination consistent with privacy protections.

(d) **REPORTING AND NOTIFICATIONS.**—If the Director of National Intelligence chooses to use funds under subsection (c)(1) to facilitate the establishment of the Center, the Director of the Center shall—

(1) not later than March 1, 2020, submit to Congress a report on—

(A) the estimated funding needs of the Center for fiscal year 2021 and for subsequent years;

(B) such statutory protections from liability as the Director considers necessary for the Center, participating social media companies, and participating third-party analytical participants;

(C) such statutory penalties as the Director considers necessary to ensure against misuse of data by researchers; and

(D) such changes to the Center's mission to fully capture broader unlawful activities that intersect with, complement, or support information warfare tactics; and

(2) not less frequently than once each year, submit to the Director of National Intelligence, the Secretary of Defense, and the appropriate congressional committees a report—

(A) that assesses—

(i) degree of cooperation and commitment from the social media companies to the mission of the Center; and

(ii) effectiveness of the Center in detecting and removing clandestine foreign information warfare operations from social media platforms; and

(B) includes such recommendations for legislative or administrative action as the Center considers appropriate to carry out the functions of the Center.

(e) **PERIODIC REPORTING TO THE PUBLIC.**—The Director of the Center shall—

(1) once each quarter, make available to the public a report on key trends in foreign influence and disinformation operations, including any threats to campaigns and elections, to inform the public of the United States; and

(2) as the Director considers necessary, provide more timely assessments relating to ongoing disinformation campaigns.

(f) **FUNDING.**—Of the amounts appropriated or otherwise made available to the National Intelligence Program (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)) in fiscal year 2020 and 2021, the Director of National Intelligence may use up to \$30,000,000 to carry out this section.

(g) **DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Armed Services of the Senate;

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

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

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

(5) the Select Committee on Intelligence of the Senate;

(6) the Committee on Armed Services of the House of Representatives;

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

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

(9) the Committee on the Judiciary of the House of Representatives; and

(10) the Permanent Select Committee on Intelligence of the House of Representatives.

**SEC. 9405. OVERSIGHT OF FOREIGN INFLUENCE IN ACADEMIA.**

(a) **DEFINITIONS.**—In this section:

(1) **COVERED INSTITUTION OF HIGHER EDUCATION.**—The term “covered institution of higher education” means an institution described in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002) that receives Federal funds in any amount and for any purpose.

(2) **SENSITIVE RESEARCH SUBJECT.**—The term “sensitive research subject” means a subject of research that is carried out at a covered institution of higher education that receives funds that were appropriated for—

(A) the National Intelligence Program; or

(B) any Federal agency the Director of National Intelligence deems appropriate.

(b) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence, in consultation with such elements of the intelligence community as the Director considers appropriate and consistent with the privacy protections afforded to United States persons, shall submit to congressional intelligence committees a report on risks to sensitive research subjects posed by foreign entities in order to provide Congress and covered institutions of higher education with more complete information on these risks and to help ensure academic freedom.

(c) **CONTENTS.**—The report required by subsection (b) shall include the following:

(1) A list of sensitive research subjects that could affect national security.

(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threats with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) **CONGRESSIONAL NOTIFICATIONS REQUIRED.**—Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

**SEC. 9406. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON FIFTH-GENERATION WIRELESS NETWORK TECHNOLOGY.**

(a) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on—

(1) the threat to United States national security posed by the global and regional adoption of fifth-generation (5G) wireless network technology built by foreign companies; and

(2) the effect of possible efforts to mitigate the threat.

(b) **CONTENTS.**—The report required by subsection (a) shall include:

(1) The timeline and scale of global and regional adoption of foreign fifth-generation wireless network technology.

(2) The implications of such global and regional adoption on the cyber and espionage threat to the United States and United States interests as well as to United States cyber and collection capabilities.

(3) The effect of possible mitigation efforts, including:

(A) United States Government policy promoting the use of strong, end-to-end encryption for data transmitted over fifth-generation wireless networks.

(B) United States Government policy promoting or funding free, open-source implementation of fifth-generation wireless network technology.

(C) United States Government subsidies or incentives that could be used to promote the adoption of secure fifth-generation wireless network technology developed by companies of the United States or companies of allies of the United States.

(D) United States Government strategy to reduce foreign influence and political pressure in international standard-setting bodies.

(c) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form to the greatest extent practicable, but may include a classified appendix if necessary.

**SEC. 9407. ANNUAL REPORT BY COMPTROLLER GENERAL OF THE UNITED STATES ON CYBERSECURITY AND SURVEILLANCE THREATS TO CONGRESS.**

(a) ANNUAL REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Comptroller General of the United States shall submit to the congressional intelligence committees a report on cybersecurity and surveillance threats to Congress.

(b) STATISTICS.—Each report submitted under subsection (a) shall include statistics on cyber attacks and other incidents of espionage or surveillance targeted against Senators or the immediate families or staff of the Senators, in which the nonpublic communications and other private information of such targeted individuals were lost, stolen, or otherwise subject to unauthorized access by criminals or a foreign government.

(c) CONSULTATION.—In preparing a report to be submitted under subsection (a), the Comptroller General shall consult with the Director of National Intelligence, the Secretary of Homeland Security, and the Sergeant at Arms and Doorkeeper of the Senate.

**SEC. 9408. DIRECTOR OF NATIONAL INTELLIGENCE ASSESSMENT OF FOREIGN INTERFERENCE IN ELECTIONS.**

(a) ASSESSMENTS REQUIRED.—Not later than 45 days after the conclusion of a United States election, the Director of National Intelligence, in consultation with the heads of such other executive departments and agencies as the Director considers appropriate, shall—

(1) conduct an assessment of any information indicating that a foreign government, or any person acting as an agent of or on behalf of a foreign government, has acted with the intent or purpose of interfering in that election; and

(2) transmit the findings of the Director with respect to the assessment conducted under paragraph (1), along with such supporting information as the Director considers appropriate, to the following:

- (A) The President.
- (B) The Secretary of State.
- (C) The Secretary of the Treasury.
- (D) The Secretary of Defense.
- (E) The Attorney General.
- (F) The Secretary of Homeland Security.
- (G) Congress.

(b) ELEMENTS.—An assessment conducted under subsection (a)(1), with respect to an

act described in such subsection, shall identify, to the maximum extent ascertainable, the following:

(1) The nature of any foreign interference and any methods employed to execute the act.

(2) The persons involved.

(3) The foreign government or governments that authorized, directed, sponsored, or supported the act.

(c) PUBLICATION.—In a case in which the Director conducts an assessment under subsection (a)(1) with respect to an election, the Director shall, as soon as practicable after the date of the conclusion of such election and not later than 60 days after the date of such conclusion, make available to the public, to the greatest extent possible consistent with the protection of sources and methods, the findings transmitted under subsection (a)(2).

**SEC. 9409. STUDY ON FEASIBILITY AND ADVISABILITY OF ESTABLISHING GEOSPATIAL-INTELLIGENCE MUSEUM AND LEARNING CENTER.**

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Geospatial-Intelligence Agency shall complete a study on the feasibility and advisability of establishing a Geospatial-Intelligence Museum and learning center.

(b) ELEMENTS.—The study required by subsection (a) shall include the following:

(1) Identifying the costs, opportunities, and challenges of establishing the museum and learning center as described in such subsection.

(2) Developing recommendations concerning such establishment.

(3) Identifying and reviewing lessons learned from the establishment of the Cyber Center for Education and Innovation-Home of the National Cryptologic Museum under section 7781(a) of title 10, United States Code.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director shall submit to the congressional intelligence committees and the congressional defense committees (as defined in section 101 of title 10, United States Code) a report on the findings of the Director with respect to the study completed under subsection (a).

**SEC. 9410. REPORT ON DEATH OF JAMAL KHASHOGGI.**

(a) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the death of Jamal Khashoggi, consistent with protecting sources and methods. Such report shall include identification of those who carried out, participated in, ordered, or were otherwise complicit in or responsible for the death of Jamal Khashoggi.

(b) FORM.—The report submitted under subsection (a) shall be submitted in unclassified form.

**DIVISION G—INTELLIGENCE AUTHORIZATIONS FOR FISCAL YEARS 2018 AND 2019**

**SEC. 10001. SHORT TITLE.**

This division may be cited as the “Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”.

**SEC. 10002. DEFINITIONS.**

In this division:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term “congressional intelligence committees” has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given such term in such section.

**TITLE CI—INTELLIGENCE ACTIVITIES**

**SEC. 10101. AUTHORIZATION OF APPROPRIATIONS.**

(a) FISCAL YEAR 2019.—Funds are hereby authorized to be appropriated for fiscal year 2019 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Coast Guard.

(8) The Department of State.

(9) The Department of the Treasury.

(10) The Department of Energy.

(11) The Department of Justice.

(12) The Federal Bureau of Investigation.

(13) The Drug Enforcement Administration.

(14) The National Reconnaissance Office.

(15) The National Geospatial-Intelligence Agency.

(16) The Department of Homeland Security.

(b) FISCAL YEAR 2018.—Funds that were appropriated for fiscal year 2018 for the conduct of the intelligence and intelligence-related activities of the elements of the United States set forth in subsection (a) are hereby authorized.

**SEC. 10102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.**

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under section 10101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 10101, are those specified in the classified Schedule of Authorizations prepared to accompany this division.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—

(1) AVAILABILITY.—The classified Schedule of Authorizations referred to in subsection (a) shall be made available to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and to the President.

(2) DISTRIBUTION BY THE PRESIDENT.—Subject to paragraph (3), the President shall provide for suitable distribution of the classified Schedule of Authorizations referred to in subsection (a), or of appropriate portions of such Schedule, within the executive branch.

(3) LIMITS ON DISCLOSURE.—The President shall not publicly disclose the classified Schedule of Authorizations or any portion of such Schedule except—

(A) as provided in section 601(a) of the Implementing Recommendations of the 9/11 Commission Act of 2007 (50 U.S.C. 3306(a));

(B) to the extent necessary to implement the budget; or

(C) as otherwise required by law.

**SEC. 10103. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2019 the sum of \$522,424,000.

(b) CLASSIFIED AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2019 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 10102(a).

# **TITLE CII—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

## **SEC. 10201. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund \$514,000,000 for fiscal year 2019.

## **SEC. 10202. COMPUTATION OF ANNUITIES FOR EMPLOYEES OF THE CENTRAL INTELLIGENCE AGENCY.**

(a) COMPUTATION OF ANNUITIES.—

(1) IN GENERAL.—Section 221 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2031) is amended—

(A) in subsection (a)(3)(B), by striking the period at the end and inserting “, as determined by using the annual rate of basic pay that would be payable for full-time service in that position.”;

(B) in subsection (b)(1)(C)(i), by striking “12-month” and inserting “2-year”;

(C) in subsection (f)(2), by striking “one year” and inserting “two years”;

(D) in subsection (g)(2), by striking “one year” each place such term appears and inserting “two years”;

(E) by redesignating subsections (h), (i), (j), (k), and (l) as subsections (i), (j), (k), (l), and (m), respectively; and

(F) by inserting after subsection (g) the following:

“(h) CONDITIONAL ELECTION OF INSURABLE INTEREST SURVIVOR ANNUITY BY PARTICIPANTS MARRIED AT THE TIME OF RETIREMENT.—

“(1) AUTHORITY TO MAKE DESIGNATION.—Subject to the rights of former spouses under subsection (b) and section 222, at the time of retirement a married participant found by the Director to be in good health may elect to receive an annuity reduced in accordance with subsection (f)(1)(B) and designate in writing an individual having an insurable interest in the participant to receive an annuity under the system after the participant's death, except that any such election to provide an insurable interest survivor annuity to the participant's spouse shall only be effective if the participant's spouse waives the spousal right to a survivor annuity under this Act. The amount of the annuity shall be equal to 55 percent of the participant's reduced annuity.

“(2) REDUCTION IN PARTICIPANT'S ANNUITY.—The annuity payable to the participant making such election shall be reduced by 10 percent of an annuity computed under subsection (a) and by an additional 5 percent for each full 5 years the designated individual is younger than the participant. The total reduction under this subparagraph may not exceed 40 percent.

“(3) COMMENCEMENT OF SURVIVOR ANNUITY.—The annuity payable to the designated individual shall begin on the day after the retired participant dies and terminate on the last day of the month before the designated individual dies.

“(4) RECOMPUTATION OF PARTICIPANT'S ANNUITY ON DEATH OF DESIGNATED INDIVIDUAL.—An annuity that is reduced under this subsection shall, effective the first day of the month following the death of the designated individual, be recomputed and paid as if the annuity had not been so reduced.”.

(2) CONFORMING AMENDMENTS.—

(A) CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—The Central Intelligence Agency Retirement Act (50 U.S.C. 2001 et seq.) is amended—

(i) in section 232(b)(1) (50 U.S.C. 2052(b)(1)), by striking “221(h),” and inserting “221(i),”;

and

(ii) in section 252(h)(4) (50 U.S.C. 2082(h)(4)), by striking “221(k)” and inserting “221(l)”.

(B) CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Subsection (a) of section 14 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3514(a)) is amended by striking “221(h)(2), 221(i), 221(l),” and inserting “221(i)(2), 221(j), 221(m).”.

(b) ANNUITIES FOR FORMER SPOUSES.—Subparagraph (B) of section 222(b)(5) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2032(b)(5)(B)) is amended by striking “one year” and inserting “two years”.

(c) PRIOR SERVICE CREDIT.—Subparagraph (A) of section 252(b)(3) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2082(b)(3)(A)) is amended by striking “October 1, 1990” both places that term appears and inserting “March 31, 1991”.

(d) REEMPLOYMENT COMPENSATION.—Section 273 of the Central Intelligence Agency Retirement Act (50 U.S.C. 2113) is amended—

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

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

“(b) PART-TIME REEMPLOYED ANNUITANTS.—The Director shall have the authority to reemploy an annuitant on a part-time basis in accordance with section 8344(l) of title 5, United States Code.”.

(e) EFFECTIVE DATE AND APPLICATION.—The amendments made by subsection (a)(1)(A) and subsection (c) shall take effect as if enacted on October 28, 2009, and shall apply to computations or participants, respectively, as of such date.

## **TITLE CIII—GENERAL INTELLIGENCE COMMUNITY MATTERS**

### **SEC. 10301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.**

The authorization of appropriations by this division shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

### **SEC. 10302. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.**

Appropriations authorized by this division for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

### **SEC. 10303. MODIFICATION OF SPECIAL PAY AUTHORITY FOR SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS POSITIONS AND ADDITION OF SPECIAL PAY AUTHORITY FOR CYBER POSITIONS.**

Section 113B of the National Security Act of 1947 (50 U.S.C. 3049a) is amended—

(1) by amending subsection (a) to read as follows:

“(a) SPECIAL RATES OF PAY FOR POSITIONS REQUIRING EXPERTISE IN SCIENCE, TECHNOLOGY, ENGINEERING, OR MATHEMATICS.—

“(1) IN GENERAL.—Notwithstanding part III of title 5, United States Code, the head of each element of the intelligence community may, for 1 or more categories of positions in such element that require expertise in science, technology, engineering, or mathematics—

“(A) establish higher minimum rates of pay; and

“(B) make corresponding increases in all rates of pay of the pay range for each grade or level, subject to subsection (b) or (c), as applicable.

“(2) TREATMENT.—The special rate supplements resulting from the establishment of higher rates under paragraph (1) shall be basic pay for the same or similar purposes as those specified in section 5305(j) of title 5, United States Code.”;

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

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

“(b) SPECIAL RATES OF PAY FOR CYBER POSITIONS.—

“(1) IN GENERAL.—Notwithstanding subsection (c), the Director of the National Security Agency may establish a special rate of pay—

“(A) not to exceed the rate of basic pay payable for level II of the Executive Schedule under section 5313 of title 5, United States Code, if the Director certifies to the Under Secretary of Defense for Intelligence, in consultation with the Under Secretary of Defense for Personnel and Readiness, that the rate of pay is for positions that perform functions that execute the cyber mission of the Agency; or

“(B) not to exceed the rate of basic pay payable for the Vice President of the United States under section 104 of title 3, United States Code, if the Director certifies to the Secretary of Defense, by name, individuals that have advanced skills and competencies and that perform critical functions that execute the cyber mission of the Agency.

“(2) PAY LIMITATION.—Employees receiving a special rate under paragraph (1) shall be subject to an aggregate pay limitation that parallels the limitation established in section 5307 of title 5, United States Code, except that—

“(A) any allowance, differential, bonus, award, or other similar cash payment in addition to basic pay that is authorized under title 10, United States Code, (or any other applicable law in addition to title 5 of such Code, excluding the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.)) shall also be counted as part of aggregate compensation; and

“(B) aggregate compensation may not exceed the rate established for the Vice President of the United States under section 104 of title 3, United States Code.

“(3) LIMITATION ON NUMBER OF RECIPIENTS.—The number of individuals who receive basic pay established under paragraph (1)(B) may not exceed 100 at any time.

“(4) LIMITATION ON USE AS COMPARATIVE REFERENCE.—Notwithstanding any other provision of law, special rates of pay and the limitation established under paragraph (1)(B) may not be used as comparative references for the purpose of fixing the rates of basic pay or maximum pay limitations of qualified positions under section 1599f of title 10, United States Code, or section 226 of the Homeland Security Act of 2002 (6 U.S.C. 147).”;

(4) in subsection (c), as redesignated by paragraph (2), by striking “A minimum” and inserting “Except as provided in subsection (b), a minimum”;

(5) in subsection (d), as redesignated by paragraph (2), by inserting “or (b)” after “by subsection (a)”;

(6) in subsection (g), as redesignated by paragraph (2)—

(A) in paragraph (1), by striking “Not later than 90 days after the date of the enactment of the Intelligence Authorization Act for Fiscal Year 2017” and inserting “Not later than 90 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019”; and

(B) in paragraph (2)(A), by inserting “or (b)” after “subsection (a)”.

### **SEC. 10304. MODIFICATION OF APPOINTMENT OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.**

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by striking “President” and inserting “Director”.

**SEC. 10305. DIRECTOR OF NATIONAL INTELLIGENCE REVIEW OF PLACEMENT OF POSITIONS WITHIN THE INTELLIGENCE COMMUNITY ON THE EXECUTIVE SCHEDULE.**

(a) **REVIEW.**—The Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall conduct a review of positions within the intelligence community regarding the placement of such positions on the Executive Schedule under subchapter II of chapter 53 of title 5, United States Code. In carrying out such review, the Director of National Intelligence, in coordination with the Director of the Office of Personnel Management, shall determine—

(1) the standards under which such review will be conducted;

(2) which positions should or should not be on the Executive Schedule; and

(3) for those positions that should be on the Executive Schedule, the level of the Executive Schedule at which such positions should be placed.

(b) **REPORT.**—Not later than 60 days after the date on which the review under subsection (a) is completed, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Oversight and Reform of the House of Representatives an unredacted report describing the standards by which the review was conducted and the outcome of the review.

**SEC. 10306. SUPPLY CHAIN AND COUNTERINTELLIGENCE RISK MANAGEMENT TASK FORCE.**

(a) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services, the Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) **REQUIREMENT TO ESTABLISH.**—The Director of National Intelligence shall establish a Supply Chain and Counterintelligence Risk Management Task Force to standardize information sharing between the intelligence community and the acquisition community of the United States Government with respect to the supply chain and counterintelligence risks.

(c) **MEMBERS.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall be composed of—

(1) a representative of the Defense Security Service of the Department of Defense;

(2) a representative of the General Services Administration;

(3) a representative of the Office of Federal Procurement Policy of the Office of Management and Budget;

(4) a representative of the Department of Homeland Security;

(5) a representative of the Federal Bureau of Investigation;

(6) the Director of the National Counterintelligence and Security Center; and

(7) any other members the Director of National Intelligence determines appropriate.

(d) **SECURITY CLEARANCES.**—Each member of the Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall have a security clearance at the top secret level and be able to access sensitive compartmented information.

(e) **ANNUAL REPORT.**—The Supply Chain and Counterintelligence Risk Management Task Force established under subsection (b) shall submit to the appropriate congressional committees an annual report that describes the activities of the Task Force during the previous year, including identification of the supply chain and counterintelligence risks shared with the acquisition community of the United States Government by the intelligence community.

**SEC. 10307. CONSIDERATION OF ADVERSARIAL TELECOMMUNICATIONS AND CYBER-SECURITY INFRASTRUCTURE WHEN SHARING INTELLIGENCE WITH FOREIGN GOVERNMENTS AND ENTITIES.**

Whenever the head of an element of the intelligence community enters into an intelligence sharing agreement with a foreign government or any other foreign entity, the head of the element shall consider the pervasiveness of telecommunications and cybersecurity infrastructure, equipment, and services provided by adversaries of the United States, particularly China and Russia, or entities of such adversaries in the country or region of the foreign government or other foreign entity entering into the agreement.

**SEC. 10308. CYBER PROTECTION SUPPORT FOR THE PERSONNEL OF THE INTELLIGENCE COMMUNITY IN POSITIONS HIGHLY VULNERABLE TO CYBER ATTACK.**

(a) **DEFINITIONS.**—In this section:

(1) **PERSONAL ACCOUNTS.**—The term “personal accounts” means accounts for online and telecommunications services, including telephone, residential Internet access, email, text and multimedia messaging, cloud computing, social media, health care, and financial services, used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community.

(2) **PERSONAL TECHNOLOGY DEVICES.**—The term “personal technology devices” means technology devices used by personnel of the intelligence community outside of the scope of their employment with elements of the intelligence community, including networks to which such devices connect.

(b) **AUTHORITY TO PROVIDE CYBER PROTECTION SUPPORT.**—

(1) **IN GENERAL.**—Subject to a determination by the Director of National Intelligence, the Director may provide cyber protection support for the personal technology devices and personal accounts of the personnel described in paragraph (2).

(2) **AT-RISK PERSONNEL.**—The personnel described in this paragraph are personnel of the intelligence community—

(A) who the Director determines to be highly vulnerable to cyber attacks and hostile information collection activities because of the positions occupied by such personnel in the intelligence community; and

(B) whose personal technology devices or personal accounts are highly vulnerable to cyber attacks and hostile information collection activities.

(c) **NATURE OF CYBER PROTECTION SUPPORT.**—Subject to the availability of resources, the cyber protection support provided to personnel under subsection (b) may include training, advice, assistance, and other services relating to cyber attacks and hostile information collection activities.

(d) **LIMITATION ON SUPPORT.**—Nothing in this section shall be construed—

(1) to encourage personnel of the intelligence community to use personal technology devices for official business; or

(2) to authorize cyber protection support for senior intelligence community personnel using personal devices, networks, and personal accounts in an official capacity.

(e) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the

Director shall submit to the congressional intelligence committees a report on the provision of cyber protection support under subsection (b). The report shall include—

(1) a description of the methodology used to make the determination under subsection (b)(2); and

(2) guidance for the use of cyber protection support and tracking of support requests for personnel receiving cyber protection support under subsection (b).

**SEC. 10309. MODIFICATION OF AUTHORITY RELATING TO MANAGEMENT OF SUPPLY-CHAIN RISK.**

(a) **MODIFICATION OF EFFECTIVE DATE.**—Subsection (f) of section 309 of the Intelligence Authorization Act for Fiscal Year 2012 (Public Law 112-87; 50 U.S.C. 3329 note) is amended by striking “the date that is 180 days after”.

(b) **REPEAL OF SUNSET.**—Such section is amended by striking subsection (g).

(c) **REPORTS.**—Such section, as amended by subsection (b), is further amended—

(1) by redesignating subsection (f), as amended by subsection (a), as subsection (g); and

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

“(f) **ANNUAL REPORTS.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), not later than 180 days after the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019 and not less frequently than once each calendar year thereafter, the Director of National Intelligence shall, in consultation with each head of a covered agency, submit to the congressional intelligence committees (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), a report that details the determinations and notifications made under subsection (c) during the most recently completed calendar year.

“(2) **INITIAL REPORT.**—The first report submitted under paragraph (1) shall detail all the determinations and notifications made under subsection (c) before the date of the submittal of the report.”.

**SEC. 10310. LIMITATIONS ON DETERMINATIONS REGARDING CERTAIN SECURITY CLASSIFICATIONS.**

(a) **PROHIBITION.**—An officer of the intelligence community who has been nominated by the President for a position that requires the advice and consent of the Senate may not make a classification decision with respect to information related to such officer’s nomination.

(b) **CLASSIFICATION DETERMINATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), in a case in which an officer described in subsection (a) has been nominated as described in such subsection and classification authority rests with the officer or another officer who reports directly to such officer, a classification decision with respect to information relating to the officer shall be made by the Director of National Intelligence.

(2) **NOMINATIONS OF DIRECTOR OF NATIONAL INTELLIGENCE.**—In a case described in paragraph (1) in which the officer nominated is the Director of National Intelligence, the classification decision shall be made by the Principal Deputy Director of National Intelligence.

(c) **REPORTS.**—Whenever the Director or the Principal Deputy Director makes a decision under subsection (b), the Director or the Principal Deputy Director, as the case may be, shall submit to the congressional intelligence committees a report detailing the reasons for the decision.

**SEC. 10311. JOINT INTELLIGENCE COMMUNITY COUNCIL.**

(a) MEETINGS.—Section 101A(d) of the National Security Act of 1947 (50 U.S.C. 3022(d)) is amended—

- (1) by striking “regular”; and
- (2) by inserting “as the Director considers appropriate” after “Council”.

(b) REPORT ON FUNCTION AND UTILITY OF THE JOINT INTELLIGENCE COMMUNITY COUNCIL.—

(1) IN GENERAL.—No later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Executive Office of the President and members of the Joint Intelligence Community Council, shall submit to the congressional intelligence committees a report on the function and utility of the Joint Intelligence Community Council.

(2) CONTENTS.—The report required by paragraph (1) shall include the following:

(A) The number of physical or virtual meetings held by the Council per year since the Council’s inception.

(B) A description of the effect and accomplishments of the Council.

(C) An explanation of the unique role of the Council relative to other entities, including with respect to the National Security Council and the Executive Committee of the intelligence community.

(D) Recommendations for the future role and operation of the Council.

(E) Such other matters relating to the function and utility of the Council as the Director considers appropriate.

(3) FORM.—The report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 10312. INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.**

(a) DEFINITIONS.—In this section:

(1) CORE SERVICE.—The term “core service” means a capability that is available to multiple elements of the intelligence community and required for consistent operation of the intelligence community information technology environment.

(2) INTELLIGENCE COMMUNITY INFORMATION TECHNOLOGY ENVIRONMENT.—The term “intelligence community information technology environment” means all of the information technology services across the intelligence community, including the data sharing and protection environment across multiple classification domains.

(b) ROLES AND RESPONSIBILITIES.—

(1) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall be responsible for coordinating the performance by elements of the intelligence community of the intelligence community information technology environment, including each of the following:

(A) Ensuring compliance with all applicable environment rules and regulations of such environment.

(B) Ensuring measurable performance goals exist for such environment.

(C) Documenting standards and practices of such environment.

(D) Acting as an arbiter among elements of the intelligence community related to any disagreements arising out of the implementation of such environment.

(E) Delegating responsibilities to the elements of the intelligence community and carrying out such other responsibilities as are necessary for the effective implementation of such environment.

(2) CORE SERVICE PROVIDERS.—Providers of core services shall be responsible for—

(A) providing core services, in coordination with the Director of National Intelligence; and

(B) providing the Director with information requested and required to fulfill the responsibilities of the Director under paragraph (1).

(3) USE OF CORE SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), each element of the intelligence community shall use core services when such services are available.

(B) EXCEPTION.—The Director of National Intelligence may provide for a written exception to the requirement under subparagraph (A) if the Director determines there is a compelling financial or mission need for such exception.

(c) MANAGEMENT ACCOUNTABILITY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall designate and maintain one or more accountable executives of the intelligence community information technology environment to be responsible for—

(1) management, financial control, and integration of such environment;

(2) overseeing the performance of each core service, including establishing measurable service requirements and schedules;

(3) to the degree feasible, ensuring testing of each core service of such environment, including testing by the intended users, to evaluate performance against measurable service requirements and to ensure the capability meets user requirements; and

(4) coordinate transition or restructuring efforts of such environment, including phase-out of legacy systems.

(d) SECURITY PLAN.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall develop and maintain a security plan for the intelligence community information technology environment.

(e) LONG-TERM ROADMAP.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a long-term roadmap that shall include each of the following:

(1) A description of the minimum required and desired core service requirements, including—

(A) key performance parameters; and

(B) an assessment of current, measured performance.

(2) implementation milestones for the intelligence community information technology environment, including each of the following:

(A) A schedule for expected deliveries of core service capabilities during each of the following phases:

(i) Concept refinement and technology maturity demonstration.

(ii) Development, integration, and demonstration.

(iii) Production, deployment, and sustainment.

(iv) System retirement.

(B) Dependencies of such core service capabilities.

(C) Plans for the transition or restructuring necessary to incorporate core service capabilities.

(D) A description of any legacy systems and discontinued capabilities to be phased out.

(3) Such other matters as the Director determines appropriate.

(f) BUSINESS PLAN.—Not later than 180 days after the date of the enactment of this Act, and during each of the second and fourth fiscal quarters thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a business plan that includes each of the following:

(1) A systematic approach to identify core service funding requests for the intelligence

community information technology environment within the proposed budget, including multiyear plans to implement the long-term roadmap required by subsection (e).

(2) A uniform approach by which each element of the intelligence community shall identify the cost of legacy information technology or alternative capabilities where services of the intelligence community information technology environment will also be available.

(3) A uniform effort by which each element of the intelligence community shall identify transition and restructuring costs for new, existing, and retiring services of the intelligence community information technology environment, as well as services of such environment that have changed designations as a core service.

(g) QUARTERLY PRESENTATIONS.—Beginning not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the congressional intelligence committees quarterly updates regarding ongoing implementation of the intelligence community information technology environment as compared to the requirements in the most recently submitted security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(h) ADDITIONAL NOTIFICATIONS.—The Director of National Intelligence shall provide timely notification to the congressional intelligence committees regarding any policy changes related to or affecting the intelligence community information technology environment, new initiatives or strategies related to or impacting such environment, and changes or deficiencies in the execution of the security plan required by subsection (d), long-term roadmap required by subsection (e), and business plan required by subsection (f).

(i) SUNSET.—The section shall have no effect on or after September 30, 2024.

**SEC. 10313. REPORT ON DEVELOPMENT OF SECURE MOBILE VOICE SOLUTION FOR INTELLIGENCE COMMUNITY.**

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency and the Director of the National Security Agency, shall submit to the congressional intelligence committees a classified report on the feasibility, desirability, cost, and required schedule associated with the implementation of a secure mobile voice solution for the intelligence community.

(b) CONTENTS.—The report required by subsection (a) shall include, at a minimum, the following:

(1) The benefits and disadvantages of a secure mobile voice solution.

(2) Whether the intelligence community could leverage commercially available technology for classified voice communications that operates on commercial mobile networks in a secure manner and identifying the accompanying security risks to such networks.

(3) A description of any policies or community guidance that would be necessary to govern the potential solution, such as a process for determining the appropriate use of a secure mobile telephone and any limitations associated with such use.

**SEC. 10314. POLICY ON MINIMUM INSIDER THREAT STANDARDS.**

(a) POLICY REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall establish a policy for minimum insider threat standards that is consistent with the

National Insider Threat Policy and Minimum Standards for Executive Branch Insider Threat Programs.

(b) **IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the head of each element of the intelligence community shall implement the policy established under subsection (a).

**SEC. 10315. SUBMISSION OF INTELLIGENCE COMMUNITY POLICIES.**

(a) **DEFINITIONS.**—In this section:

(1) **ELECTRONIC REPOSITORY.**—The term “electronic repository” means the electronic distribution mechanism, in use as of the date of the enactment of this Act, or any successor electronic distribution mechanism, by which the Director of National Intelligence submits to the congressional intelligence committees information.

(2) **POLICY.**—The term “policy”, with respect to the intelligence community, includes unclassified or classified—

(A) directives, policy guidance, and policy memoranda of the intelligence community;

(B) executive correspondence of the Director of National Intelligence; and

(C) any equivalent successor policy instruments.

(b) **SUBMISSION OF POLICIES.**—

(1) **CURRENT POLICY.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees using the electronic repository all nonpublicly available policies issued by the Director of National Intelligence for the intelligence community that are in effect as of the date of the submission.

(2) **CONTINUOUS UPDATES.**—Not later than 15 days after the date on which the Director of National Intelligence issues, modifies, or rescinds a policy of the intelligence community, the Director shall—

(A) notify the congressional intelligence committees of such addition, modification, or removal; and

(B) update the electronic repository with respect to such addition, modification, or removal.

**SEC. 10316. EXPANSION OF INTELLIGENCE COMMUNITY RECRUITMENT EFFORTS.**

In order to further increase the diversity of the intelligence community workforce, not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with heads of elements of the Intelligence Community, shall create, implement, and submit to the congressional intelligence committees a written plan to ensure that rural and underrepresented regions are more fully and consistently represented in such elements’ employment recruitment efforts. Upon receipt of the plan, the congressional committees shall have 60 days to submit comments to the Director of National Intelligence before such plan shall be implemented.

**TITLE CIV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

**Subtitle A—Office of the Director of National Intelligence**

**SEC. 10401. AUTHORITY FOR PROTECTION OF CURRENT AND FORMER EMPLOYEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506(a)(4)) is amended by striking “such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate;” and inserting “current and former personnel of the Office of the Director of National Intelligence and their immediate families as the Director of National Intelligence may designate;”.

**SEC. 10402. DESIGNATION OF THE PROGRAM MANAGER-INFORMATION SHARING ENVIRONMENT.**

(a) **INFORMATION SHARING ENVIRONMENT.**—Section 1016(b) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(b)) is amended—

(1) in paragraph (1), by striking “President” and inserting “Director of National Intelligence”; and

(2) in paragraph (2), by striking “President” both places that term appears and inserting “Director of National Intelligence”.

(b) **PROGRAM MANAGER.**—Section 1016(f)(1) of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485(f)(1)) is amended by striking “The individual designated as the program manager shall serve as program manager until removed from service or replaced by the President (at the President’s sole discretion).” and inserting “Beginning on the date of the enactment of the Damon Paul Nelson and Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019, each individual designated as the program manager shall be appointed by the Director of National Intelligence.”.

**SEC. 10403. TECHNICAL MODIFICATION TO THE EXECUTIVE SCHEDULE.**

Section 5315 of title 5, United States Code, is amended by adding at the end the following:

“Director of the National Counterintelligence and Security Center.”.

**SEC. 10404. CHIEF FINANCIAL OFFICER OF THE INTELLIGENCE COMMUNITY.**

Section 1031(a) of the National Security Act of 1947 (50 U.S.C. 3034(a)) is amended by adding at the end the following new sentence: “The Chief Financial Officer shall report directly to the Director of National Intelligence.”.

**SEC. 10405. CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.**

Section 103G(a) of the National Security Act of 1947 (50 U.S.C. 3032(a)) is amended by adding at the end the following new sentence: “The Chief Information Officer shall report directly to the Director of National Intelligence.”.

**Subtitle B—Central Intelligence Agency**

**SEC. 10411. CENTRAL INTELLIGENCE AGENCY SUBSISTENCE FOR PERSONNEL ASSIGNED TO AUSTERE LOCATIONS.**

Subsection (a) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3506) is amended—

(1) in paragraph (1), by striking “(50 U.S.C. 403-4a).” and inserting “(50 U.S.C. 403-4a).”;

(2) in paragraph (6), by striking “and” at the end;

(3) in paragraph (7), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following new paragraph (8):

“(8) Upon the approval of the Director, provide, during any fiscal year, with or without reimbursement, subsistence to any personnel assigned to an overseas location designated by the Agency as an austere location.”.

**SEC. 10412. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.**

Subsection (a) of section 15 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 3515(a)) is amended—

(1) in the subsection heading, by striking “POLICEMEN” and inserting “POLICE OFFICERS”; and

(2) in paragraph (1)—

(A) in subparagraph (B), by striking “500 feet;” and inserting “500 yards;”;

(B) in subparagraph (D), by striking “500 feet.” and inserting “500 yards.”.

**SEC. 10413. REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.**

(a) **REPEAL OF FOREIGN LANGUAGE PROFICIENCY REQUIREMENT.**—Section 104A of the National Security Act of 1947 (50 U.S.C. 3036) is amended by striking subsection (g).

(b) **CONFORMING REPEAL OF REPORT REQUIREMENT.**—Section 611 of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108-487) is amended by striking subsection (c).

**Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy**

**SEC. 10421. CONSOLIDATION OF DEPARTMENT OF ENERGY OFFICES OF INTELLIGENCE AND COUNTERINTELLIGENCE.**

(a) **IN GENERAL.**—Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b) is amended to read as follows:

**“OFFICE OF INTELLIGENCE AND COUNTERINTELLIGENCE**

“SEC. 215. (a) **DEFINITIONS.**—In this section, the terms ‘intelligence community’ and ‘National Intelligence Program’ have the meanings given such terms in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

“(b) **IN GENERAL.**—There is in the Department an Office of Intelligence and Counterintelligence. Such office shall be under the National Intelligence Program.

“(c) **DIRECTOR.**—(1) The head of the Office shall be the Director of the Office of Intelligence and Counterintelligence, who shall be an employee in the Senior Executive Service, the Senior Intelligence Service, the Senior National Intelligence Service, or any other Service that the Secretary, in coordination with the Director of National Intelligence, considers appropriate. The Director of the Office shall report directly to the Secretary.

“(2) The Secretary shall select an individual to serve as the Director from among individuals who have substantial expertise in matters relating to the intelligence community, including foreign intelligence and counterintelligence.

“(d) **DUTIES.**—(1) Subject to the authority, direction, and control of the Secretary, the Director shall perform such duties and exercise such powers as the Secretary may prescribe.

“(2) The Director shall be responsible for establishing policy for intelligence and counterintelligence programs and activities at the Department.”.

(b) **CONFORMING REPEAL.**—Section 216 of the Department of Energy Organization Act (42 U.S.C. 7144c) is hereby repealed.

(c) **CLERICAL AMENDMENT.**—The table of contents at the beginning of the Department of Energy Organization Act is amended by striking the items relating to sections 215 and 216 and inserting the following new item: “215. Office of Intelligence and Counterintelligence.”.

**SEC. 10422. REPEAL OF DEPARTMENT OF ENERGY INTELLIGENCE EXECUTIVE COMMITTEE AND BUDGET REPORTING REQUIREMENT.**

Section 214 of the Department of Energy Organization Act (42 U.S.C. 7144a) is amended—

(1) by striking “(a) DUTY OF SECRETARY.—”;

and

(2) by striking subsections (b) and (c).

**Subtitle D—Other Elements**

**SEC. 10431. PLAN FOR DESIGNATION OF COUNTERINTELLIGENCE COMPONENT OF DEFENSE SECURITY SERVICE AS AN ELEMENT OF INTELLIGENCE COMMUNITY.**

Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and Under Secretary of



Defense for Intelligence, in coordination with the Director of the National Counterintelligence and Security Center, shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a plan to designate the counterintelligence component of the Defense Security Service of the Department of Defense as an element of the intelligence community by not later than January 1, 2019. Such plan shall—

(1) address the implications of such designation on the authorities, governance, personnel, resources, information technology, collection, analytic products, information sharing, and business processes of the Defense Security Service and the intelligence community; and

(2) not address the personnel security functions of the Defense Security Service.

**SEC. 10432. NOTICE NOT REQUIRED FOR PRIVATE ENTITIES.**

Section 3553 of title 44, United States Code, is amended—

(1) by redesignating subsection (j) as subsection (k); and

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

“(j) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to require the Secretary to provide notice to any private entity before the Secretary issues a binding operational directive under subsection (b)(2).”

**SEC. 10433. FRAMEWORK FOR ROLES, MISSIONS, AND FUNCTIONS OF DEFENSE INTELLIGENCE AGENCY.**

(a) **IN GENERAL.**—The Director of National Intelligence and the Secretary of Defense shall jointly establish a framework to ensure the appropriate balance of resources for the roles, missions, and functions of the Defense Intelligence Agency in its capacity as an element of the intelligence community and as a combat support agency. The framework shall include supporting processes to provide for the consistent and regular reevaluation of the responsibilities and resources of the Defense Intelligence Agency to prevent imbalanced priorities, insufficient or misaligned resources, and the unauthorized expansion of mission parameters.

(b) **MATTERS FOR INCLUSION.**—The framework required under subsection (a) shall include each of the following:

- (1) A lexicon providing for consistent definitions of relevant terms used by both the intelligence community and the Department of Defense, including each of the following:
  - (A) Defense intelligence enterprise.
  - (B) Enterprise manager.
  - (C) Executive agent.
  - (D) Function.
  - (E) Functional manager.
  - (F) Mission.
  - (G) Mission manager.
  - (H) Responsibility.
  - (I) Role.
  - (J) Service of common concern.
- (2) An assessment of the necessity of maintaining separate designations for the intelligence community and the Department of Defense for intelligence functional or enterprise management constructs.
- (3) A repeatable process for evaluating the addition, transfer, or elimination of defense intelligence missions, roles, and functions, currently performed or to be performed in the future by the Defense Intelligence Agency, which includes each of the following:
  - (A) A justification for the addition, transfer, or elimination of a mission, role, or function.
  - (B) The identification of which, if any, element of the Federal Government performs the considered mission, role, or function.
  - (C) In the case of any new mission, role, or function—

(i) an assessment of the most appropriate agency or element to perform such mission, role, or function, taking into account the resource profiles, scope of responsibilities, primary customers, and existing infrastructure necessary to support such mission, role, or function; and

(ii) a determination of the appropriate resource profile and an identification of the projected resources needed and the proposed source of such resources over the future-years defense program, to be provided in writing to any elements of the intelligence community or the Department of Defense affected by the assumption, transfer, or elimination of any mission, role, or function.

(D) In the case of any mission, role, or function proposed to be assumed, transferred, or eliminated, an assessment, which shall be completed jointly by the heads of each element affected by such assumption, transfer, or elimination, of the risks that would be assumed by the intelligence community and the Department if such mission, role, or function is assumed, transferred, or eliminated.

(E) A description of how determinations are made regarding the funding of programs and activities under the National Intelligence Program and the Military Intelligence Program, including—

(i) which programs or activities are funded under each such Program;

(ii) which programs or activities should be jointly funded under both such Programs and how determinations are made with respect to funding allocations for such programs and activities; and

(iii) the thresholds and process for changing a program or activity from being funded under one such Program to being funded under the other such Program.

**SEC. 10434. ESTABLISHMENT OF ADVISORY BOARD FOR NATIONAL RECONNAISSANCE OFFICE.**

(a) **ESTABLISHMENT.**—Section 106A of the National Security Act of 1947 (50 U.S.C. 3041a) is amended by adding at the end the following new subsection:

“(d) **ADVISORY BOARD.**—

“(1) **ESTABLISHMENT.**—There is established in the National Reconnaissance Office an advisory board (in this section referred to as the ‘Board’).

“(2) **DUTIES.**—The Board shall—

“(A) study matters relating to the mission of the National Reconnaissance Office, including with respect to promoting innovation, competition, and resilience in space, overhead reconnaissance, acquisition, and other matters; and

“(B) advise and report directly to the Director with respect to such matters.

“(3) **MEMBERS.**—

“(A) **NUMBER AND APPOINTMENT.**—

“(i) **IN GENERAL.**—The Board shall be composed of 5 members appointed by the Director from among individuals with demonstrated academic, government, business, or other expertise relevant to the mission and functions of the National Reconnaissance Office.

“(ii) **NOTIFICATION.**—Not later than 30 days after the date on which the Director appoints a member to the Board, the Director shall notify the congressional intelligence committees and the congressional defense committees (as defined in section 101(a) of title 10, United States Code) of such appointment.

“(B) **TERMS.**—Each member shall be appointed for a term of 2 years. Except as provided by subparagraph (C), a member may not serve more than 3 terms.

“(C) **VACANCY.**—Any member appointed to fill a vacancy occurring before the expiration of the term for which the member’s predecessor was appointed shall be appointed

only for the remainder of that term. A member may serve after the expiration of that member’s term until a successor has taken office.

“(D) **CHAIR.**—The Board shall have a Chair, who shall be appointed by the Director from among the members.

“(E) **TRAVEL EXPENSES.**—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

“(F) **EXECUTIVE SECRETARY.**—The Director may appoint an executive secretary, who shall be an employee of the National Reconnaissance Office, to support the Board.

“(4) **MEETINGS.**—The Board shall meet not less than quarterly, but may meet more frequently at the call of the Director.

“(5) **REPORTS.**—Not later than March 31 of each year, the Board shall submit to the Director and to the congressional intelligence committees a report on the activities and significant findings of the Board during the preceding year.

“(6) **NONAPPLICABILITY OF CERTAIN REQUIREMENTS.**—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.

“(7) **TERMINATION.**—The Board shall terminate on the date that is 3 years after the date of the first meeting of the Board.”

(b) **INITIAL APPOINTMENTS.**—Not later than 180 days after the date of the enactment of this Act, the Director of the National Reconnaissance Office shall appoint the initial 5 members to the advisory board under subsection (d) of section 106A of the National Security Act of 1947 (50 U.S.C. 3041a), as added by subsection (a).

**SEC. 10435. COLLOCATION OF CERTAIN DEPARTMENT OF HOMELAND SECURITY PERSONNEL AT FIELD LOCATIONS.**

(a) **IDENTIFICATION OF OPPORTUNITIES FOR COLLOCATION.**—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall identify, in consultation with the Commissioner of U.S. Customs and Border Protection, the Administrator of the Transportation Security Administration, the Director of U.S. Immigration and Customs Enforcement, and the heads of such other elements of the Department of Homeland Security as the Under Secretary considers appropriate, opportunities for collocation of officers of the Office of Intelligence and Analysis in the field outside of the greater Washington, District of Columbia, area in order to support operational units from U.S. Customs and Border Protection, the Transportation Security Administration, U.S. Immigration and Customs Enforcement, and other elements of the Department of Homeland Security.

(b) **PLAN FOR COLLOCATION.**—Not later than 120 days after the date of the enactment of this Act, the Under Secretary shall submit to the congressional intelligence committees a report that includes a plan for collocation as described in subsection (a).

**TITLE CV—ELECTION MATTERS**

**SEC. 10501. REPORT ON CYBER ATTACKS BY FOREIGN GOVERNMENTS AGAINST UNITED STATES ELECTION INFRASTRUCTURE.**

(a) **DEFINITIONS.**—In this section:

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

(A) the congressional intelligence committees;

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

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

(D) the Committee on Foreign Relations of the Senate; and



(E) the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

- (A) The majority leader of the Senate.
- (B) The minority leader of the Senate.
- (C) The Speaker of the House of Representatives.
- (D) The minority leader of the House of Representatives.

(3) STATE.—The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Under Secretary of Homeland Security for Intelligence and Analysis shall submit to congressional leadership and the appropriate congressional committees a report on cyber attacks and attempted cyber attacks by foreign governments on United States election infrastructure in States and localities in connection with the 2016 Presidential election in the United States and such cyber attacks or attempted cyber attacks as the Under Secretary anticipates against such infrastructure. Such report shall identify the States and localities affected and shall include cyber attacks and attempted cyber attacks against voter registration databases, voting machines, voting-related computer networks, and the networks of Secretaries of State and other election officials of the various States.

(c) FORM.—The report submitted under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 10502. REVIEW OF INTELLIGENCE COMMUNITY'S POSTURE TO COLLECT AGAINST AND ANALYZE RUSSIAN EFFORTS TO INFLUENCE THE PRESIDENTIAL ELECTION.**

(a) REVIEW REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence shall—

(1) complete an after action review of the posture of the intelligence community to collect against and analyze efforts of the Government of Russia to interfere in the 2016 Presidential election in the United States; and

(2) submit to the congressional intelligence committees a report on the findings of the Director with respect to such review.

(b) ELEMENTS.—The review required by subsection (a) shall include, with respect to the posture and efforts described in paragraph (1) of such subsection, the following:

(1) An assessment of whether the resources of the intelligence community were properly aligned to detect and respond to the efforts described in subsection (a)(1).

(2) An assessment of the information sharing that occurred within elements of the intelligence community.

(3) An assessment of the information sharing that occurred between elements of the intelligence community.

(4) An assessment of applicable authorities necessary to collect on any such efforts and any deficiencies in those authorities.

(5) A review of the use of open source material to inform analysis and warning of such efforts.

(6) A review of the use of alternative and predictive analysis.

(c) FORM OF REPORT.—The report required by subsection (a)(2) shall be submitted to the congressional intelligence committees in a classified form.

**SEC. 10503. ASSESSMENT OF FOREIGN INTELLIGENCE THREATS TO FEDERAL ELECTIONS.**

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

- (A) the congressional intelligence committees;
- (B) the Committee on Homeland Security and Governmental Affairs of the Senate; and
- (C) the Committee on Homeland Security of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

- (A) The majority leader of the Senate.
- (B) The minority leader of the Senate.
- (C) The Speaker of the House of Representatives.
- (D) The minority leader of the House of Representatives.

(3) SECURITY VULNERABILITY.—The term “security vulnerability” has the meaning given such term in section 102 of the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501).

(b) IN GENERAL.—The Director of National Intelligence, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, the Secretary of Homeland Security, and the heads of other relevant elements of the intelligence community, shall—

(1) commence not later than 1 year before any regularly scheduled Federal election occurring after December 31, 2018, and complete not later than 180 days before such election, an assessment of security vulnerabilities of State election systems; and

(2) not later than 180 days before any regularly scheduled Federal election occurring after December 31, 2018, submit a report on such security vulnerabilities and an assessment of foreign intelligence threats to the election to—

- (A) congressional leadership; and
- (B) the appropriate congressional committees.

(c) UPDATE.—Not later than 90 days before any regularly scheduled Federal election occurring after December 31, 2018, the Director of National Intelligence shall—

(1) update the assessment of foreign intelligence threats to that election; and

- (2) submit the updated assessment to—
- (A) congressional leadership; and
- (B) the appropriate congressional committees.

**SEC. 10504. STRATEGY FOR COUNTERING RUSSIAN CYBER THREATS TO UNITED STATES ELECTIONS.**

(a) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(4) The Committee on Foreign Relations of the Senate.

(5) The Committee on Foreign Affairs of the House of Representatives.

(b) REQUIREMENT FOR A STRATEGY.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Secretary of Homeland Security, the Director of the Federal Bureau of Investigation, the Director of the Central Intelligence Agency, the Secretary of State, the Secretary of Defense, and the Secretary of the Treasury, shall develop a whole-of-government strategy for countering the threat of Russian cyber attacks and attempted cyber attacks

against electoral systems and processes in the United States, including Federal, State, and local election systems, voter registration databases, voting tabulation equipment, and equipment and processes for the secure transmission of election results.

(c) ELEMENTS OF THE STRATEGY.—The strategy required by subsection (b) shall include the following elements:

(1) A whole-of-government approach to protecting United States electoral systems and processes that includes the agencies and departments indicated in subsection (b) as well as any other agencies and departments of the United States, as determined appropriate by the Director of National Intelligence and the Secretary of Homeland Security.

(2) Input solicited from Secretaries of State of the various States and the chief election officials of the States.

(3) Technical security measures, including auditable paper trails for voting machines, securing wireless and Internet connections, and other technical safeguards.

(4) Detection of cyber threats, including attacks and attempted attacks by Russian government or nongovernment cyber threat actors.

(5) Improvements in the identification and attribution of Russian government or nongovernment cyber threat actors.

(6) Deterrence, including actions and measures that could or should be undertaken against or communicated to the Government of Russia or other entities to deter attacks against, or interference with, United States election systems and processes.

(7) Improvements in Federal Government communications with State and local election officials.

(8) Public education and communication efforts.

(9) Benchmarks and milestones to enable the measurement of concrete steps taken and progress made in the implementation of the strategy.

(d) CONGRESSIONAL BRIEFING.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence and the Secretary of Homeland Security shall jointly brief the appropriate congressional committees on the strategy developed under subsection (b).

**SEC. 10505. ASSESSMENT OF SIGNIFICANT RUSSIAN INFLUENCE CAMPAIGNS DIRECTED AT FOREIGN ELECTIONS AND REFERENDA.**

(a) RUSSIAN INFLUENCE CAMPAIGN DEFINED.—In this section, the term “Russian influence campaign” means any effort, covert or overt, and by any means, attributable to the Russian Federation directed at an election, referendum, or similar process in a country other than the Russian Federation or the United States.

(b) ASSESSMENT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report containing an analytical assessment of the most significant Russian influence campaigns, if any, conducted during the 3-year period preceding the date of the enactment of this Act, as well as the most significant current or planned such Russian influence campaigns, if any. Such assessment shall include—

(1) a summary of such significant Russian influence campaigns, including, at a minimum, the specific means by which such campaigns were conducted, are being conducted, or likely will be conducted, as appropriate, and the specific goal of each such campaign;

(2) a summary of any defenses against or responses to such Russian influence campaigns by the foreign state holding the elections or referenda;

(3) a summary of any relevant activities by elements of the intelligence community undertaken for the purpose of assisting the government of such foreign state in defending against or responding to such Russian influence campaigns; and

(4) an assessment of the effectiveness of such defenses and responses described in paragraphs (2) and (3).

(c) **FORM.**—The report required by subsection (b) may be submitted in classified form, but if so submitted, shall contain an unclassified summary.

**SEC. 10506. FOREIGN COUNTERINTELLIGENCE AND CYBERSECURITY THREATS TO FEDERAL ELECTION CAMPAIGNS.**

(a) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—As provided in paragraph (2), for each Federal election, the Director of National Intelligence, in coordination with the Under Secretary of Homeland Security for Intelligence and Analysis and the Director of the Federal Bureau of Investigation, shall make publicly available on an Internet website an advisory report on foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices. Each such report shall include, consistent with the protection of sources and methods, each of the following:

(A) A description of foreign counterintelligence and cybersecurity threats to election campaigns for Federal offices.

(B) A summary of best practices that election campaigns for Federal offices can employ in seeking to counter such threats.

(C) An identification of any publicly available resources, including United States Government resources, for countering such threats.

(2) **SCHEDULE FOR SUBMITTAL.**—A report under this subsection shall be made available as follows:

(A) In the case of a report regarding an election held for the office of Senator or Member of the House of Representatives during 2018, not later than the date that is 60 days after the date of the enactment of this Act.

(B) In the case of a report regarding an election for a Federal office during any subsequent year, not later than the date that is 1 year before the date of the election.

(3) **INFORMATION TO BE INCLUDED.**—A report under this subsection shall reflect the most current information available to the Director of National Intelligence regarding foreign counterintelligence and cybersecurity threats.

(b) **TREATMENT OF CAMPAIGNS SUBJECT TO HEIGHTENED THREATS.**—If the Director of the Federal Bureau of Investigation and the Under Secretary of Homeland Security for Intelligence and Analysis jointly determine that an election campaign for Federal office is subject to a heightened foreign counterintelligence or cybersecurity threat, the Director and the Under Secretary, consistent with the protection of sources and methods, may make available additional information to the appropriate representatives of such campaign.

**SEC. 10507. INFORMATION SHARING WITH STATE ELECTION OFFICIALS.**

(a) **STATE DEFINED.**—In this section, the term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(b) **SECURITY CLEARANCES.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of the enactment of this Act, the Director of National Intelligence shall support the Under Secretary of Homeland Security for Intelligence and Analysis, and any other official of the Department of Homeland Security designated by the Secretary of Homeland Security, in sponsoring a

security clearance up to the top secret level for each eligible chief election official of a State or the District of Columbia, and additional eligible designees of such election official as appropriate, at the time that such election official assumes such position.

(2) **INTERIM CLEARANCES.**—Consistent with applicable policies and directives, the Director of National Intelligence may issue interim clearances, for a period to be determined by the Director, to a chief election official as described in paragraph (1) and up to 1 designee of such official under such paragraph.

(c) **INFORMATION SHARING.**—

(1) **IN GENERAL.**—The Director of National Intelligence shall assist the Under Secretary of Homeland Security for Intelligence and Analysis and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) with sharing any appropriate classified information related to threats to election systems and to the integrity of the election process with chief election officials and such designees who have received a security clearance under subsection (b).

(2) **COORDINATION.**—The Under Secretary of Homeland Security for Intelligence and Analysis shall coordinate with the Director of National Intelligence and the Under Secretary responsible for overseeing critical infrastructure protection, cybersecurity, and other related programs of the Department (as specified in section 103(a)(1)(H) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)(1)(H))) to facilitate the sharing of information to the affected Secretaries of State or States.

**SEC. 10508. NOTIFICATION OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS DIRECTED AT ELECTIONS FOR FEDERAL OFFICES.**

(a) **DEFINITIONS.**—In this section:

(1) **ACTIVE MEASURES CAMPAIGN.**—The term “active measures campaign” means a foreign semi-covert or covert intelligence operation.

(2) **CANDIDATE, ELECTION, AND POLITICAL PARTY.**—The terms “candidate”, “election”, and “political party” have the meanings given those terms in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(3) **CONGRESSIONAL LEADERSHIP.**—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(4) **CYBER INTRUSION.**—The term “cyber intrusion” means an electronic occurrence that actually or imminently jeopardizes, without lawful authority, electronic election infrastructure, or the integrity, confidentiality, or availability of information within such infrastructure.

(5) **ELECTRONIC ELECTION INFRASTRUCTURE.**—The term “electronic election infrastructure” means an electronic information system of any of the following that is related to an election for Federal office:

(A) The Federal Government.

(B) A State or local government.

(C) A political party.

(D) The election campaign of a candidate.

(6) **FEDERAL OFFICE.**—The term “Federal office” has the meaning given that term in section 301 of the Federal Election Campaign Act of 1971 (52 U.S.C. 30101).

(7) **HIGH CONFIDENCE.**—The term “high confidence”, with respect to a determination,

means that the determination is based on high-quality information from multiple sources.

(8) **MODERATE CONFIDENCE.**—The term “moderate confidence”, with respect to a determination, means that a determination is credibly sourced and plausible but not of sufficient quality or corroborated sufficiently to warrant a higher level of confidence.

(9) **OTHER APPROPRIATE CONGRESSIONAL COMMITTEES.**—The term “other appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Homeland Security and Governmental Affairs, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Homeland Security, and the Committee on Appropriations of the House of Representatives.

(b) **DETERMINATIONS OF SIGNIFICANT FOREIGN CYBER INTRUSIONS AND ACTIVE MEASURES CAMPAIGNS.**—The Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly carry out subsection (c) if such Directors and the Secretary jointly determine—

(1) that on or after the date of the enactment of this Act, a significant foreign cyber intrusion or active measures campaign intended to influence an upcoming election for any Federal office has occurred or is occurring; and

(2) with moderate or high confidence, that such intrusion or campaign can be attributed to a foreign state or to a foreign nonstate person, group, or other entity.

(c) **BRIEFING.**—

(1) **IN GENERAL.**—Not later than 14 days after making a determination under subsection (b), the Director of National Intelligence, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security shall jointly provide a briefing to the congressional leadership, the congressional intelligence committees and, consistent with the protection of sources and methods, the other appropriate congressional committees. The briefing shall be classified and address, at a minimum, the following:

(A) A description of the significant foreign cyber intrusion or active measures campaign, as the case may be, covered by the determination.

(B) An identification of the foreign state or foreign nonstate person, group, or other entity, to which such intrusion or campaign has been attributed.

(C) The desirability and feasibility of the public release of information about the cyber intrusion or active measures campaign.

(D) Any other information such Directors and the Secretary jointly determine appropriate.

(2) **ELECTRONIC ELECTION INFRASTRUCTURE BRIEFINGS.**—With respect to a significant foreign cyber intrusion covered by a determination under subsection (b), the Secretary of Homeland Security, in consultation with the Director of National Intelligence and the Director of the Federal Bureau of Investigation, shall offer to the owner or operator of any electronic election infrastructure directly affected by such intrusion, a briefing on such intrusion, including steps that may be taken to mitigate such intrusion. Such briefing may be classified and made available only to individuals with appropriate security clearances.

(3) **PROTECTION OF SOURCES AND METHODS.**—This subsection shall be carried out in a manner that is consistent with the protection of sources and methods.

**SEC. 10509. DESIGNATION OF COUNTERINTELLIGENCE OFFICER TO LEAD ELECTION SECURITY MATTERS.**

(a) **IN GENERAL.**—The Director of National Intelligence shall designate a national counterintelligence officer within the National Counterintelligence and Security Center to lead, manage, and coordinate counterintelligence matters relating to election security.

(b) **ADDITIONAL RESPONSIBILITIES.**—The person designated under subsection (a) shall also lead, manage, and coordinate counterintelligence matters relating to risks posed by interference from foreign powers (as defined in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801)) to the following:

- (1) The Federal Government election security supply chain.
- (2) Election voting systems and software.
- (3) Voter registration databases.
- (4) Critical infrastructure related to elections.
- (5) Such other Government goods and services as the Director of National Intelligence considers appropriate.

**TITLE CVI—SECURITY CLEARANCES**

**SEC. 10601. DEFINITIONS.**

In this title:

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

- (A) the congressional intelligence committees;
- (B) the Committee on Armed Services of the Senate;
- (C) the Committee on Appropriations of the Senate;
- (D) the Committee on Homeland Security and Governmental Affairs of the Senate;
- (E) the Committee on Armed Services of the House of Representatives;
- (F) the Committee on Appropriations of the House of Representatives;
- (G) the Committee on Homeland Security of the House of Representatives; and
- (H) the Committee on Oversight and Reform of the House of Representatives.

(2) **APPROPRIATE INDUSTRY PARTNERS.**—The term “appropriate industry partner” means a contractor, licensee, or grantee (as defined in section 101(a) of Executive Order 12829 (50 U.S.C. 3161 note; relating to National Industrial Security Program)) that is participating in the National Industrial Security Program established by such Executive Order.

(3) **CONTINUOUS VETTING.**—The term “continuous vetting” has the meaning given such term in Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information).

(4) **COUNCIL.**—The term “Council” means the Security, Suitability, and Credentialing Performance Accountability Council established pursuant to such Executive Order, or any successor entity.

(5) **SECURITY EXECUTIVE AGENT.**—The term “Security Executive Agent” means the officer serving as the Security Executive Agent pursuant to section 803 of the National Security Act of 1947, as added by section 10605.

(6) **SUITABILITY AND CREDENTIALING EXECUTIVE AGENT.**—The term “Suitability and Credentialing Executive Agent” means the Director of the Office of Personnel Management acting as the Suitability and Credentialing Executive Agent in accordance with Executive Order 13467 (50 U.S.C. 3161 note; relating to reforming processes related to suitability for government employment, fitness for contractor employees, and eligibility for access to classified national security information), or any successor entity.

**SEC. 10602. REPORTS AND PLANS RELATING TO SECURITY CLEARANCES AND BACKGROUND INVESTIGATIONS.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) ensuring the trustworthiness and security of the workforce, facilities, and information of the Federal Government is of the highest priority to national security and public safety;

(2) the President and Congress should prioritize the modernization of the personnel security framework to improve its efficiency, effectiveness, and accountability;

(3) the current system for security clearance, suitability and fitness for employment, and credentialing lacks efficiencies and capabilities to meet the current threat environment, recruit and retain a trusted workforce, and capitalize on modern technologies; and

(4) changes to policies or processes to improve this system should be vetted through the Council to ensure standardization, portability, and reciprocity in security clearances across the Federal Government.

(b) **ACCOUNTABILITY PLANS AND REPORTS.**—

(1) **PLANS.**—Not later than 90 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners the following:

(A) A plan, with milestones, to reduce the background investigation inventory to 200,000, or an otherwise sustainable steady-level, by the end of year 2020. Such plan shall include notes of any required changes in investigative and adjudicative standards or resources.

(B) A plan to consolidate the conduct of background investigations associated with the processing for security clearances in the most effective and efficient manner between the National Background Investigation Bureau and the Defense Security Service, or a successor organization. Such plan shall address required funding, personnel, contracts, information technology, field office structure, policy, governance, schedule, transition costs, and effects on stakeholders.

(2) **REPORT ON THE FUTURE OF PERSONNEL SECURITY.**—

(A) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report on the future of personnel security to reflect changes in threats, the workforce, and technology.

(B) **CONTENTS.**—The report submitted under subparagraph (A) shall include the following:

(i) A risk framework for granting and renewing access to classified information.

(ii) A discussion of the use of technologies to prevent, detect, and monitor threats.

(iii) A discussion of efforts to address reciprocity and portability.

(iv) A discussion of the characteristics of effective insider threat programs.

(v) An analysis of how to integrate data from continuous evaluation, insider threat programs, and human resources data.

(vi) Recommendations on interagency governance.

(3) **PLAN FOR IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Chairman of the Council, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to implement the report's framework and recommendations submitted under paragraph (2)(A).

(4) **CONGRESSIONAL NOTIFICATIONS.**—Not less frequently than quarterly, the Security Executive Agent shall make available to the public a report regarding the status of the disposition of requests received from departments and agencies of the Federal Government for a change to, or approval under, the Federal investigative standards, the national adjudicative guidelines, continuous evaluation, or other national policy regarding personnel security.

**SEC. 10603. IMPROVING THE PROCESS FOR SECURITY CLEARANCES.**

(a) **REVIEWS.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent, in coordination with the members of the Council, shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that includes the following:

(1) A review of whether the information requested on the Questionnaire for National Security Positions (Standard Form 86) and by the Federal Investigative Standards prescribed by the Office of Personnel Management and the Office of the Director of National Intelligence appropriately supports the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”). Such review shall include identification of whether any such information currently collected is unnecessary to support the adjudicative guidelines.

(2) An assessment of whether such Questionnaire, Standards, and guidelines should be revised to account for the prospect of a holder of a security clearance becoming an insider threat.

(3) Recommendations to improve the background investigation process by—

(A) simplifying the Questionnaire for National Security Positions (Standard Form 86) and increasing customer support to applicants completing such Questionnaire;

(B) using remote techniques and centralized locations to support or replace field investigation work;

(C) using secure and reliable digitization of information obtained during the clearance process;

(D) building the capacity of the background investigation labor sector; and

(E) replacing periodic reinvestigations with continuous evaluation techniques in all appropriate circumstances.

(b) **POLICY, STRATEGY, AND IMPLEMENTATION.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent shall, in coordination with the members of the Council, establish the following:

(1) A policy and implementation plan for the issuance of interim security clearances.

(2) A policy and implementation plan to ensure contractors are treated consistently in the security clearance process across agencies and departments of the United States as compared to employees of such agencies and departments. Such policy shall address—

(A) prioritization of processing security clearances based on the mission the contractors will be performing;

(B) standardization in the forms that agencies issue to initiate the process for a security clearance;

(C) digitization of background investigation-related forms;

(D) use of the polygraph;

(E) the application of the adjudicative guidelines under Security Executive Agent Directive 4 (known as the “National Security Adjudicative Guidelines”);

(F) reciprocal recognition of clearances across agencies and departments of the

United States, regardless of status of periodic reinvestigation;

(G) tracking of clearance files as individuals move from employment with an agency or department of the United States to employment in the private sector;

(H) collection of timelines for movement of contractors across agencies and departments;

(I) reporting on security incidents and job performance, consistent with section 552a of title 5, United States Code (commonly known as the "Privacy Act of 1974"), that may affect the ability to hold a security clearance;

(J) any recommended changes to the Federal Acquisition Regulations (FAR) necessary to ensure that information affecting contractor clearances or suitability is appropriately and expeditiously shared between and among agencies and contractors; and

(K) portability of contractor security clearances between or among contracts at the same agency and between or among contracts at different agencies that require the same level of clearance.

(3) A strategy and implementation plan that—

(A) provides for periodic reinvestigations as part of a security clearance determination only on an as-needed, risk-based basis;

(B) includes actions to assess the extent to which automated records checks and other continuous evaluation methods may be used to expedite or focus reinvestigations; and

(C) provides an exception for certain populations if the Security Executive Agent—

(i) determines such populations require reinvestigations at regular intervals; and

(ii) provides written justification to the appropriate congressional committees for any such determination.

(4) A policy and implementation plan for agencies and departments of the United States, as a part of the security clearance process, to accept automated records checks generated pursuant to a security clearance applicant's employment with a prior employer.

(5) A policy for the use of certain background materials on individuals collected by the private sector for background investigation purposes.

(6) Uniform standards for agency continuous evaluation programs to ensure quality and reciprocity in accepting enrollment in a continuous vetting program as a substitute for a periodic investigation for continued access to classified information.

#### **SEC. 10604. GOALS FOR PROMPTNESS OF DETERMINATIONS REGARDING SECURITY CLEARANCES.**

(a) **RECIPROCITY DEFINED.**—In this section, the term "reciprocity" means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) **IN GENERAL.**—The Council shall reform the security clearance process with the objective that, by December 31, 2021, 90 percent of all determinations, other than determinations regarding populations identified under section 10603(b)(3)(C), regarding—

(1) security clearances—

(A) at the secret level are issued in 30 days or fewer; and

(B) at the top secret level are issued in 90 days or fewer; and

(2) reciprocity of security clearances at the same level are recognized in 2 weeks or fewer.

(c) **CERTAIN REINVESTIGATIONS.**—The Council shall reform the security clearance process with the goal that by December 31, 2021, reinvestigation on a set periodicity is not required for more than 10 percent of the population that holds a security clearance.

(d) **EQUIVALENT METRICS.**—

(1) **IN GENERAL.**—If the Council develops a set of performance metrics that it certifies to the appropriate congressional committees should achieve substantially equivalent outcomes as those outlined in subsections (b) and (c), the Council may use those metrics for purposes of compliance within this provision.

(2) **NOTICE.**—If the Council uses the authority provided by paragraph (1) to use metrics as described in such paragraph, the Council shall, not later than 30 days after communicating such metrics to departments and agencies, notify the appropriate congressional committees that it is using such authority.

(e) **PLAN.**—Not later than 180 days after the date of the enactment of this Act, the Council shall submit to the appropriate congressional committees and make available to appropriate industry partners a plan to carry out this section. Such plan shall include recommended interim milestones for the goals set forth in subsections (b) and (c) for 2019, 2020, and 2021.

#### **SEC. 10605. SECURITY EXECUTIVE AGENT.**

(a) **IN GENERAL.**—Title VIII of the National Security Act of 1947 (50 U.S.C. 3161 et seq.) is amended—

(1) by redesignating sections 803 and 804 as sections 804 and 805, respectively; and

(2) by inserting after section 802 the following:

##### **"SEC. 803. SECURITY EXECUTIVE AGENT.**

"(a) **IN GENERAL.**—The Director of National Intelligence, or such other officer of the United States as the President may designate, shall serve as the Security Executive Agent for all departments and agencies of the United States.

"(b) **DUTIES.**—The duties of the Security Executive Agent are as follows:

"(1) To direct the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position made by any Federal agency.

"(2) To review the national security background investigation and adjudication programs of Federal agencies to determine whether such programs are being implemented in accordance with this section.

"(3) To develop and issue uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations, polygraphs, and adjudications relating to determinations of eligibility for access to classified information or eligibility to hold a sensitive position.

"(4) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to conduct investigations of persons who are proposed for access to classified information or for eligibility to hold a sensitive position to ascertain whether such persons satisfy the criteria for obtaining and retaining access to classified information or eligibility to hold a sensitive position, as applicable.

"(5) Unless otherwise designated by law, to serve as the final authority to designate a Federal agency or agencies to determine eligibility for access to classified information or eligibility to hold a sensitive position in accordance with Executive Order 12968 (50 U.S.C. 3161 note; relating to access to classified information).

"(6) To ensure reciprocal recognition of eligibility for access to classified information or eligibility to hold a sensitive position among Federal agencies, including acting as the final authority to arbitrate and resolve disputes among such agencies involving the reciprocity of investigations and adjudications of eligibility.

"(7) To execute all other duties assigned to the Security Executive Agent by law.

"(c) **AUTHORITIES.**—The Security Executive Agent shall—

"(1) issue guidelines and instructions to the heads of Federal agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, timeliness, and security in processes relating to determinations by such agencies of eligibility for access to classified information or eligibility to hold a sensitive position, including such matters as investigations, polygraphs, adjudications, and reciprocity;

"(2) have the authority to grant exceptions to, or waivers of, national security investigative requirements, including issuing implementing or clarifying guidance, as necessary;

"(3) have the authority to assign, in whole or in part, to the head of any Federal agency (solely or jointly) any of the duties of the Security Executive Agent described in subsection (b) or the authorities described in paragraphs (1) and (2), provided that the exercise of such assigned duties or authorities is subject to the oversight of the Security Executive Agent, including such terms and conditions (including approval by the Security Executive Agent) as the Security Executive Agent determines appropriate; and

"(4) define and set standards for continuous evaluation for continued access to classified information and for eligibility to hold a sensitive position."

(b) **REPORT ON RECOMMENDATIONS FOR REVISING AUTHORITIES.**—Not later than 30 days after the date on which the Chairman of the Council submits to the appropriate congressional committees the report required by section 602(b)(2)(A), the Chairman shall submit to the appropriate congressional committees such recommendations as the Chairman may have for revising the authorities of the Security Executive Agent.

(c) **CONFORMING AMENDMENT.**—Section 103H(j)(4)(A) of such Act (50 U.S.C. 3033(j)(4)(A)) is amended by striking "in section 804" and inserting "in section 805".

(d) **CLERICAL AMENDMENT.**—The table of contents in the matter preceding section 2 of such Act (50 U.S.C. 3002) is amended by striking the items relating to sections 803 and 804 and inserting the following:

"Sec. 803. Security Executive Agent.

"Sec. 804. Exceptions.

"Sec. 805. Definitions."

#### **SEC. 10606. REPORT ON UNIFIED, SIMPLIFIED, GOVERNMENTWIDE STANDARDS FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.**

Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent, in coordination with the other members of the Council, shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a report regarding the advisability and the risks, benefits, and costs to the Government and to industry of consolidating to not more than 3 tiers for positions of trust and security clearances.

#### **SEC. 10607. REPORT ON CLEARANCE IN PERSON CONCEPT.**

(a) **SENSE OF CONGRESS.**—It is the sense of Congress that to reflect the greater mobility of the modern workforce, alternative methodologies merit analysis to allow greater flexibility for individuals moving in and out of positions that require access to classified information, while still preserving security.

(b) **REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent shall submit to the appropriate congressional committees and make available to appropriate industry partners a report that describes the requirements, feasibility, and advisability of

implementing a clearance in person concept described in subsection (c).

(c) **CLEARANCE IN PERSON CONCEPT.**—The clearance in person concept—

(1) permits an individual who once held a security clearance to maintain his or her eligibility for access to classified information, networks, and facilities for up to 3 years after the individual's eligibility for access to classified information would otherwise lapse; and

(2) recognizes, unless otherwise directed by the Security Executive Agent, an individual's security clearance and background investigation as current, regardless of employment status, contingent on enrollment in a continuous vetting program.

(d) **CONTENTS.**—The report required under subsection (b) shall address—

(1) requirements for an individual to voluntarily remain in a continuous evaluation program validated by the Security Executive Agent even if the individual is not in a position requiring access to classified information;

(2) appropriate safeguards for privacy;

(3) advantages to government and industry;

(4) the costs and savings associated with implementation;

(5) the risks of such implementation, including security and counterintelligence risks;

(6) an appropriate funding model; and

(7) fairness to small companies and independent contractors.

**SEC. 10608. BUDGET REQUEST DOCUMENTATION ON FUNDING FOR BACKGROUND INVESTIGATIONS.**

(a) **IN GENERAL.**—As part of the fiscal year 2020 budget request submitted to Congress pursuant to section 1105(a) of title 31, United States Code, the President shall include exhibits that identify the resources expended by each agency during the prior fiscal year for processing background investigations and continuous evaluation programs, disaggregated by tier and whether the individual was a Government employee or contractor.

(b) **CONTENTS.**—Each exhibit submitted under subsection (a) shall include details on—

(1) the costs of background investigations or reinvestigations;

(2) the costs associated with background investigations for Government or contract personnel;

(3) costs associated with continuous evaluation initiatives monitoring for each person for whom a background investigation or reinvestigation was conducted, other than costs associated with adjudication;

(4) the average per person cost for each type of background investigation; and

(5) a summary of transfers and reprogrammings that were executed in the previous year to support the processing of security clearances.

**SEC. 10609. REPORTS ON RECIPROCITY FOR SECURITY CLEARANCES INSIDE OF DEPARTMENTS AND AGENCIES.**

(a) **RECIPROCALLY RECOGNIZED DEFINED.**—In this section, the term “reciprocally recognized” means reciprocal recognition by Federal departments and agencies of eligibility for access to classified information.

(b) **REPORTS TO SECURITY EXECUTIVE AGENT.**—The head of each Federal department or agency shall submit an annual report to the Security Executive Agent that—

(1) identifies the number of individuals whose security clearances take more than 2 weeks to be reciprocally recognized after such individuals move to another part of such department or agency; and

(2) breaks out the information described in paragraph (1) by type of clearance and the reasons for any delays.

(c) **ANNUAL REPORT.**—Not less frequently than once each year, the Security Executive Agent shall submit to the appropriate congressional committees and make available to industry partners an annual report that summarizes the information received pursuant to subsection (b) during the period covered by such report.

**SEC. 10610. INTELLIGENCE COMMUNITY REPORTS ON SECURITY CLEARANCES.**

Section 506H of the National Security Act of 1947 (50 U.S.C. 3104) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A)(ii), by adding “and” at the end;

(B) in subparagraph (B)(ii), by striking “; and” and inserting a period; and

(C) by striking subparagraph (C);

(2) by redesignating subsection (b) as subsection (c);

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

“(b) **INTELLIGENCE COMMUNITY REPORTS.**—

(1)(A) Not later than March 1 of each year, the Director of National Intelligence shall submit a report to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, and the Committee on Oversight and Reform of the House of Representatives regarding the security clearances processed by each element of the intelligence community during the preceding fiscal year.

“(B) The Director shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives such portions of the report submitted under subparagraph (A) as the Director determines address elements of the intelligence community that are within the Department of Defense.

“(C) Each report submitted under this paragraph shall separately identify security clearances processed for Federal employees and contractor employees sponsored by each such element.

“(2) Each report submitted under paragraph (1)(A) shall include, for each element of the intelligence community for the fiscal year covered by the report, the following:

“(A) The total number of initial security clearance background investigations sponsored for new applicants.

“(B) The total number of security clearance periodic reinvestigations sponsored for existing employees.

“(C) The total number of initial security clearance background investigations for new applicants that were adjudicated with notice of a determination provided to the prospective applicant, including—

“(i) the total number of such adjudications that were adjudicated favorably and granted access to classified information; and

“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(D) The total number of security clearance periodic background investigations that were adjudicated with notice of a determination provided to the existing employee, including—

“(i) the total number of such adjudications that were adjudicated favorably; and

“(ii) the total number of such adjudications that were adjudicated unfavorably and resulted in a denial or revocation of a security clearance.

“(E) The total number of pending security clearance background investigations, including initial applicant investigations and periodic reinvestigations, that were not adjudicated as of the last day of such year and that remained pending, categorized as follows:

“(i) For 180 days or shorter.

“(ii) For longer than 180 days, but shorter than 12 months.

“(iii) For 12 months or longer, but shorter than 18 months.

“(iv) For 18 months or longer, but shorter than 24 months.

“(v) For 24 months or longer.

“(F) For any security clearance determinations completed or pending during the year preceding the year for which the report is submitted that have taken longer than 12 months to complete—

“(i) an explanation of the causes for the delays incurred during the period covered by the report; and

“(ii) the number of such delays involving a polygraph requirement.

“(G) The percentage of security clearance investigations, including initial and periodic reinvestigations, that resulted in a denial or revocation of a security clearance.

“(H) The percentage of security clearance investigations that resulted in incomplete information.

“(I) The percentage of security clearance investigations that did not result in enough information to make a decision on potentially adverse information.

“(3) The report required under this subsection shall be submitted in unclassified form, but may include a classified annex.”; and

(4) in subsection (c), as redesignated, by striking “subsection (a)(1)” and inserting “subsections (a)(1) and (b)”.

**SEC. 10611. PERIODIC REPORT ON POSITIONS IN THE INTELLIGENCE COMMUNITY THAT CAN BE CONDUCTED WITHOUT ACCESS TO CLASSIFIED INFORMATION, NETWORKS, OR FACILITIES.**

Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report that reviews the intelligence community for which positions can be conducted without access to classified information, networks, or facilities, or may only require a security clearance at the secret level.

**SEC. 10612. INFORMATION SHARING PROGRAM FOR POSITIONS OF TRUST AND SECURITY CLEARANCES.**

(a) **PROGRAM REQUIRED.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall establish and implement a program to share between and among agencies of the Federal Government and industry partners of the Federal Government relevant background information regarding individuals applying for and currently occupying national security positions and positions of trust, in order to ensure the Federal Government maintains a trusted workforce.

(2) **DESIGNATION.**—The program established under paragraph (1) shall be known as the “Trusted Information Provider Program” (in this section referred to as the “Program”).

(b) **PRIVACY SAFEGUARDS.**—The Security Executive Agent and the Suitability and Credentialing Executive Agent shall ensure that the Program includes such safeguards for privacy as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate.

(c) **PROVISION OF INFORMATION TO THE FEDERAL GOVERNMENT.**—The Program shall include requirements that enable investigative service providers and agencies of the Federal Government to leverage certain pre-employment information gathered during the employment or military recruiting process, and other relevant security or human resources

information obtained during employment with or for the Federal Government, that satisfy Federal investigative standards, while safeguarding personnel privacy.

(d) **INFORMATION AND RECORDS.**—The information and records considered under the Program shall include the following:

- (1) Date and place of birth.
- (2) Citizenship or immigration and naturalization information.
- (3) Education records.
- (4) Employment records.
- (5) Employment or social references.
- (6) Military service records.
- (7) State and local law enforcement checks.
- (8) Criminal history checks.
- (9) Financial records or information.
- (10) Foreign travel, relatives, or associations.
- (11) Social media checks.

(12) Such other information or records as may be relevant to obtaining or maintaining national security, suitability, fitness, or credentialing eligibility.

(e) **IMPLEMENTATION PLAN.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of the Program.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the Program.

(f) **PLAN FOR PILOT PROGRAM ON TWO-WAY INFORMATION SHARING.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a plan for the implementation of a pilot program to assess the feasibility and advisability of expanding the Program to include the sharing of information held by the Federal Government related to contract personnel with the security office of the employers of those contractor personnel.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) Mechanisms that address privacy, national security, suitability or fitness, credentialing, and human resources or military recruitment processes.

(B) Such recommendations for legislative or administrative action as the Security Executive Agent and the Suitability and Credentialing Executive Agent consider appropriate to carry out or improve the pilot program.

(g) **REVIEW.**—Not later than 1 year after the date of the enactment of this Act, the Security Executive Agent and the Suitability and Credentialing Executive Agent shall jointly submit to the appropriate congressional committees and make available to appropriate industry partners a review of the plans submitted under subsections (e)(1) and (f)(1) and utility and effectiveness of the programs described in such plans.

#### **SEC. 10613. REPORT ON PROTECTIONS FOR CONFIDENTIALITY OF WHISTLEBLOWER-RELATED COMMUNICATIONS.**

Not later than 180 days after the date of the enactment of this Act, the Security Ex-

ecutive Agent shall, in coordination with the Inspector General of the Intelligence Community, submit to the appropriate congressional committees a report detailing the controls employed by the intelligence community to ensure that continuous vetting programs, including those involving user activity monitoring, protect the confidentiality of whistleblower-related communications.

### **TITLE CVII—REPORTS AND OTHER MATTERS**

#### **Subtitle A—Matters Relating to Russia and Other Foreign Powers**

#### **SEC. 10701. LIMITATION RELATING TO ESTABLISHMENT OR SUPPORT OF CYBERSECURITY UNIT WITH THE RUSSIAN FEDERATION.**

(a) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means—

- (1) the congressional intelligence committees;
- (2) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and
- (3) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(b) **LIMITATION.**—

(1) **IN GENERAL.**—No amount may be expended by the Federal Government, other than the Department of Defense, to enter into or implement any bilateral agreement between the United States and the Russian Federation regarding cybersecurity, including the establishment or support of any cybersecurity unit, unless, at least 30 days prior to the conclusion of any such agreement, the Director of National Intelligence submits to the appropriate congressional committees a report on such agreement that includes the elements required by subsection (c).

(2) **DEPARTMENT OF DEFENSE AGREEMENTS.**—Any agreement between the Department of Defense and the Russian Federation regarding cybersecurity shall be conducted in accordance with section 1232 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), as amended by section 1231 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91).

(c) **ELEMENTS.**—If the Director submits a report under subsection (b) with respect to an agreement, such report shall include a description of each of the following:

- (1) The purpose of the agreement.
- (2) The nature of any intelligence to be shared pursuant to the agreement.
- (3) The expected value to national security resulting from the implementation of the agreement.

(4) Such counterintelligence concerns associated with the agreement as the Director may have and such measures as the Director expects to be taken to mitigate such concerns.

(d) **RULE OF CONSTRUCTION.**—This section shall not be construed to affect any existing authority of the Director of National Intelligence, the Director of the Central Intelligence Agency, or another head of an element of the intelligence community, to share or receive foreign intelligence on a case-by-case basis.

#### **SEC. 10702. REPORT ON RETURNING RUSSIAN COMPOUNDS.**

(a) **COVERED COMPOUNDS DEFINED.**—In this section, the term “covered compounds” means the real property in New York, the real property in Maryland, and the real property in San Francisco, California, that were under the control of the Government of Rus-

sia in 2016 and were removed from such control in response to various transgressions by the Government of Russia, including the interference by the Government of Russia in the 2016 election in the United States.

(b) **REQUIREMENT FOR REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees, and the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives (only with respect to the unclassified report), a report on the intelligence risks of returning the covered compounds to Russian control.

(c) **FORM OF REPORT.**—The report required by this section shall be submitted in classified and unclassified forms.

#### **SEC. 10703. ASSESSMENT OF THREAT FINANCE RELATING TO RUSSIA.**

(a) **THREAT FINANCE DEFINED.**—In this section, the term “threat finance” means—

- (1) the financing of cyber operations, global influence campaigns, intelligence service activities, proliferation, terrorism, or transnational crime and drug organizations;
- (2) the methods and entities used to spend, store, move, raise, conceal, or launder money or value, on behalf of threat actors;
- (3) sanctions evasion; and
- (4) other forms of threat finance activity domestically or internationally, as defined by the President.

(b) **REPORT REQUIRED.**—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of the Treasury for Intelligence and Analysis, shall submit to the congressional intelligence committees a report containing an assessment of Russian threat finance. The assessment shall be based on intelligence from all sources, including from the Office of Terrorism and Financial Intelligence of the Department of the Treasury.

(c) **ELEMENTS.**—The report required by subsection (b) shall include each of the following:

- (1) A summary of leading examples from the 3-year period preceding the date of the submittal of the report of threat finance activities conducted by, for the benefit of, or at the behest of—

(A) officials of the Government of Russia;

(B) persons subject to sanctions under any provision of law imposing sanctions with respect to Russia;

(C) Russian nationals subject to sanctions under any other provision of law; or

(D) Russian oligarchs or organized criminals.

(2) An assessment with respect to any trends or patterns in threat finance activities relating to Russia, including common methods of conducting such activities and global nodes of money laundering used by Russian threat actors described in paragraph (1) and associated entities.

(3) An assessment of any connections between Russian individuals involved in money laundering and the Government of Russia.

(4) A summary of engagement and coordination with international partners on threat finance relating to Russia, especially in Europe, including examples of such engagement and coordination.

(5) An identification of any resource and collection gaps.

(6) An identification of—

(A) entry points of money laundering by Russian and associated entities into the United States;

(B) any vulnerabilities within the United States legal and financial system, including specific sectors, which have been or could be exploited in connection with Russian threat finance activities; and



(C) the counterintelligence threat posed by Russian money laundering and other forms of threat finance, as well as the threat to the United States financial system and United States efforts to enforce sanctions and combat organized crime.

(7) Any other matters the Director determines appropriate.

(d) FORM OF REPORT.—The report required under subsection (b) may be submitted in classified form.

#### SEC. 10704. NOTIFICATION OF AN ACTIVE MEASURES CAMPAIGN.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives; and

(C) the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives.

(2) CONGRESSIONAL LEADERSHIP.—The term “congressional leadership” includes the following:

(A) The majority leader of the Senate.

(B) The minority leader of the Senate.

(C) The Speaker of the House of Representatives.

(D) The minority leader of the House of Representatives.

(b) REQUIREMENT FOR NOTIFICATION.—The Director of National Intelligence, in cooperation with the Director of the Federal Bureau of Investigation and the head of any other relevant agency, shall notify the congressional leadership and the Chairman and Vice Chairman or Ranking Member of each of the appropriate congressional committees, and of other relevant committees of jurisdiction, each time the Director of National Intelligence determines there is credible information that a foreign power has, is, or will attempt to employ a covert influence or active measures campaign with regard to the modernization, employment, doctrine, or force posture of the nuclear deterrent or missile defense.

(c) CONTENT OF NOTIFICATION.—Each notification required by subsection (b) shall include information concerning actions taken by the United States to expose or halt an attempt referred to in subsection (b).

#### SEC. 10705. NOTIFICATION OF TRAVEL BY ACCREDITED DIPLOMATIC AND CONSULAR PERSONNEL OF THE RUSSIAN FEDERATION IN THE UNITED STATES.

In carrying out the advance notification requirements set out in section 502 of the Intelligence Authorization Act for Fiscal Year 2017 (division N of Public Law 115-31; 131 Stat. 825; 22 U.S.C. 254a note), the Secretary of State shall—

(1) ensure that the Russian Federation provides notification to the Secretary of State at least 2 business days in advance of all travel that is subject to such requirements by accredited diplomatic and consular personnel of the Russian Federation in the United States, and take necessary action to secure full compliance by Russian personnel and address any noncompliance; and

(2) provide notice of travel described in paragraph (1) to the Director of National Intelligence and the Director of the Federal Bureau of Investigation within 1 hour of receiving notice of such travel.

#### SEC. 10706. REPORT ON OUTREACH STRATEGY ADDRESSING THREATS FROM UNITED STATES ADVERSARIES TO THE UNITED STATES TECHNOLOGY SECTOR.

(a) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means—

(1) the congressional intelligence committees;

(2) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(3) the Committee on Armed Services, Committee on Homeland Security, and the Committee on Oversight and Reform of the House of Representatives.

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report detailing outreach by the intelligence community and the Defense Intelligence Enterprise to United States industrial, commercial, scientific, technical, and academic communities on matters relating to the efforts of adversaries of the United States to acquire critical United States technology, intellectual property, and research and development information.

(c) CONTENTS.—The report required by subsection (b) shall include the following:

(1) A review of the current outreach efforts of the intelligence community and the Defense Intelligence Enterprise described in subsection (b), including the type of information conveyed in the outreach.

(2) A determination of the appropriate element of the intelligence community to lead such outreach efforts.

(3) An assessment of potential methods for improving the effectiveness of such outreach, including an assessment of the following:

(A) Those critical technologies, infrastructure, or related supply chains that are at risk from the efforts of adversaries described in subsection (b).

(B) The necessity and advisability of granting security clearances to company or community leadership, when necessary and appropriate, to allow for tailored classified briefings on specific targeted threats.

(C) The advisability of partnering with entities of the Federal Government that are not elements of the intelligence community and relevant regulatory and industry groups described in subsection (b), to convey key messages across sectors targeted by United States adversaries.

(D) Strategies to assist affected elements of the communities described in subparagraph (C) in mitigating, deterring, and protecting against the broad range of threats from the efforts of adversaries described in subsection (b), with focus on producing information that enables private entities to justify business decisions related to national security concerns.

(E) The advisability of the establishment of a United States Government-wide task force to coordinate outreach and activities to combat the threats from efforts of adversaries described in subsection (b).

(F) Such other matters as the Director of National Intelligence may consider necessary.

(d) CONSULTATION ENCOURAGED.—In preparing the report required by subsection (b), the Director is encouraged to consult with other government agencies, think tanks, academia, representatives of the financial industry, or such other entities as the Director considers appropriate.

(e) FORM.—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex as necessary.

#### SEC. 10707. REPORT ON IRANIAN SUPPORT OF PROXY FORCES IN SYRIA AND LEBANON.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) ARMS OR RELATED MATERIAL.—The term “arms or related material” means—

(A) nuclear, biological, chemical, or radiological weapons or materials or components of such weapons;

(B) ballistic or cruise missile weapons or materials or components of such weapons;

(C) destabilizing numbers and types of advanced conventional weapons;

(D) defense articles or defense services, as those terms are defined in paragraphs (3) and (4), respectively, of section 47 of the Arms Export Control Act (22 U.S.C. 2794);

(E) defense information, as that term is defined in section 644 of the Foreign Assistance Act of 1961 (22 U.S.C. 2403); or

(F) items designated by the President for purposes of the United States Munitions List under section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

(b) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the appropriate committees of Congress a report on Iranian support of proxy forces in Syria and Lebanon and the threat posed to Israel, other United States regional allies, and other specified interests of the United States as a result of such support.

(c) MATTERS FOR INCLUSION.—The report required under subsection (b) shall include information relating to the following matters with respect to both the strategic and tactical implications for the United States and its allies:

(1) A description of arms or related materiel transferred by Iran to Hizballah since March 2011, including the number of such arms or related materiel and whether such transfer was by land, sea, or air, as well as financial and additional technological capabilities transferred by Iran to Hizballah.

(2) A description of Iranian and Iranian-controlled personnel, including Hizballah, Shiite militias, and Iran's Revolutionary Guard Corps forces, operating within Syria, including the number and geographic distribution of such personnel operating within 30 kilometers of the Israeli borders with Syria and Lebanon.

(3) An assessment of Hizballah's operational lessons learned based on its recent experiences in Syria.

(4) A description of any rocket-producing facilities in Lebanon for nonstate actors, including whether such facilities were assessed to be built at the direction of Hizballah leadership, Iranian leadership, or in consultation between Iranian leadership and Hizballah leadership.

(5) An analysis of the foreign and domestic supply chains that significantly facilitate, support, or otherwise aid Hizballah's acquisition or development of missile production facilities, including the geographic distribution of such foreign and domestic supply chains.

(6) An assessment of the provision of goods, services, or technology transferred by Iran or its affiliates to Hizballah to indigenously manufacture or otherwise produce missiles.



(7) An identification of foreign persons that are based on credible information, facilitating the transfer of significant financial support or arms or related materiel to Hizballah.

(8) A description of the threat posed to Israel and other United States allies in the Middle East by the transfer of arms or related materiel or other support offered to Hizballah and other proxies from Iran.

(d) **FORM OF REPORT.**—The report required under subsection (b) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 10708. ANNUAL REPORT ON IRANIAN EXPENDITURES SUPPORTING FOREIGN MILITARY AND TERRORIST ACTIVITIES.**

(a) **ANNUAL REPORT REQUIRED.**—Not later than 90 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Director of National Intelligence shall submit to Congress a report describing Iranian expenditures in the previous calendar year on military and terrorist activities outside the country, including each of the following:

(1) The amount spent in such calendar year on activities by the Islamic Revolutionary Guard Corps, including activities providing support for—

- (A) Hizballah;
- (B) Houthi rebels in Yemen;
- (C) Hamas;
- (D) proxy forces in Iraq and Syria; or
- (E) any other entity or country the Director determines to be relevant.

(2) The amount spent in such calendar year for ballistic missile research and testing or other activities that the Director determines are destabilizing to the Middle East region.

(b) **FORM.**—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

**SEC. 10709. EXPANSION OF SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES AND REPORT ON ESTABLISHMENT OF FOREIGN MALIGN INFLUENCE CENTER.**

(a) **SCOPE OF COMMITTEE TO COUNTER ACTIVE MEASURES.**—

(1) **IN GENERAL.**—Section 501 of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31; 50 U.S.C. 3001 note) is amended—

(A) in subsections (a) through (h)—

(i) by inserting “, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, or other nation state” after “Russian Federation” each place it appears; and

(ii) by inserting “, China, Iran, North Korea, or other nation state” after “Russia” each place it appears; and

(B) in the section heading, by inserting “, **THE PEOPLE’S REPUBLIC OF CHINA, THE ISLAMIC REPUBLIC OF IRAN, THE DEMOCRATIC PEOPLE’S REPUBLIC OF KOREA, OR OTHER NATION STATE**” after “**RUSSIAN FEDERATION**”.

(2) **CLERICAL AMENDMENT.**—The table of contents in section 1(b) of such Act is amended by striking the item relating to section 501 and inserting the following new item:

“Sec. 501. Committee to counter active measures by the Russian Federation, the People’s Republic of China, the Islamic Republic of Iran, the Democratic People’s Republic of Korea, and other nation states to exert covert influence over peoples and governments.”.

(b) **REPORT REQUIRED.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with such elements of the intel-

ligence community as the Director considers relevant, shall submit to the congressional intelligence committees a report on the feasibility and advisability of establishing a center, to be known as the “Foreign Malign Influence Response Center”, that—

(A) is comprised of analysts from all appropriate elements of the intelligence community, including elements with related diplomatic and law enforcement functions;

(B) has access to all intelligence and other reporting acquired by the United States Government on foreign efforts to influence, through overt and covert malign activities, United States political processes and elections;

(C) provides comprehensive assessment, and indications and warning, of such activities; and

(D) provides for enhanced dissemination of such assessment to United States policy makers.

(2) **CONTENTS.**—The Report required by paragraph (1) shall include the following:

(A) A discussion of the desirability of the establishment of such center and any barriers to such establishment.

(B) Such recommendations and other matters as the Director considers appropriate.

**Subtitle B—Reports**

**SEC. 10711. TECHNICAL CORRECTION TO INSPECTOR GENERAL STUDY.**

Section 11001(d) of title 5, United States Code, is amended—

(1) in the subsection heading, by striking “AUDIT” and inserting “REVIEW”;

(2) in paragraph (1), by striking “audit” and inserting “review”; and

(3) in paragraph (2), by striking “audit” and inserting “review”.

**SEC. 10712. REPORTS ON AUTHORITIES OF THE CHIEF INTELLIGENCE OFFICER OF THE DEPARTMENT OF HOMELAND SECURITY.**

(a) **DEFINITIONS.**—In this section:

(1) **APPROPRIATE COMMITTEES OF CONGRESS.**—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

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

(C) the Committee on Homeland Security of the House of Representatives.

(2) **HOMELAND SECURITY INTELLIGENCE ENTERPRISE.**—The term “Homeland Security Intelligence Enterprise” has the meaning given such term in Department of Homeland Security Instruction Number 264–01–001, or successor authority.

(b) **REPORT REQUIRED.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Under Secretary of Homeland Security for Intelligence and Analysis, shall submit to the appropriate committees of Congress a report on the authorities of the Under Secretary.

(c) **ELEMENTS.**—The report required by subsection (b) shall include each of the following:

(1) An analysis of whether the Under Secretary has the legal and policy authority necessary to organize and lead the Homeland Security Intelligence Enterprise, with respect to intelligence, and, if not, a description of—

(A) the obstacles to exercising the authorities of the Chief Intelligence Officer of the Department and the Homeland Security Intelligence Council, of which the Chief Intelligence Officer is the chair; and

(B) the legal and policy changes necessary to effectively coordinate, organize, and lead intelligence activities of the Department of Homeland Security.

(2) A description of the actions that the Secretary has taken to address the inability

of the Under Secretary to require components of the Department, other than the Office of Intelligence and Analysis of the Department to—

- (A) coordinate intelligence programs; and
- (B) integrate and standardize intelligence products produced by such other components.

**SEC. 10713. REPORT ON CYBER EXCHANGE PROGRAM.**

(a) **REPORT.**—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the potential establishment of a fully voluntary exchange program between elements of the intelligence community and private technology companies under which—

(1) an employee of an element of the intelligence community with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to a private technology company that has elected to receive the detailee; and

(2) an employee of a private technology company with demonstrated expertise and work experience in cybersecurity or related disciplines may elect to be temporarily detailed to an element of the intelligence community that has elected to receive the detailee.

(b) **ELEMENTS.**—The report under subsection (a) shall include the following:

(1) An assessment of the feasibility of establishing the exchange program described in such subsection.

(2) Identification of any challenges in establishing the exchange program.

(3) An evaluation of the benefits to the intelligence community that would result from the exchange program.

**SEC. 10714. REVIEW OF INTELLIGENCE COMMUNITY WHISTLEBLOWER MATTERS.**

(a) **REVIEW OF WHISTLEBLOWER MATTERS.**—The Inspector General of the Intelligence Community, in consultation with the inspectors general for the Central Intelligence Agency, the National Security Agency, the National Geospatial-Intelligence Agency, the Defense Intelligence Agency, and the National Reconnaissance Office, shall conduct a review of the authorities, policies, investigatory standards, and other practices and procedures relating to intelligence community whistleblower matters, with respect to such inspectors general.

(b) **OBJECTIVE OF REVIEW.**—The objective of the review required under subsection (a) is to identify any discrepancies, inconsistencies, or other issues, which frustrate the timely and effective reporting of intelligence community whistleblower matters to appropriate inspectors general and to the congressional intelligence committees, and the fair and expeditious investigation and resolution of such matters.

(c) **CONDUCT OF REVIEW.**—The Inspector General of the Intelligence Community shall take such measures as the Inspector General determines necessary in order to ensure that the review required by subsection (a) is conducted in an independent and objective fashion.

(d) **REPORT.**—Not later than 270 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a written report containing the results of the review required under subsection (a), along with recommendations to improve the timely and effective reporting of intelligence community whistleblower matters to inspectors general and to the congressional intelligence committees and the fair and expeditious investigation and resolution of such matters.

**SEC. 10715. REPORT ON ROLE OF DIRECTOR OF NATIONAL INTELLIGENCE WITH RESPECT TO CERTAIN FOREIGN INVESTMENTS.**

(a) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on the role of the Director in preparing analytic materials in connection with the evaluation by the Federal Government of national security risks associated with potential foreign investments into the United States.

(b) **ELEMENTS.**—The report under subsection (a) shall include—

(1) a description of the current process for the provision of the analytic materials described in subsection (a);

(2) an identification of the most significant benefits and drawbacks of such process with respect to the role of the Director, including the sufficiency of resources and personnel to prepare such materials; and

(3) recommendations to improve such process.

**SEC. 10716. REPORT ON SURVEILLANCE BY FOREIGN GOVERNMENTS AGAINST UNITED STATES TELECOMMUNICATIONS NETWORKS.**

(a) **APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.**—In this section, the term “appropriate congressional committees” means the following:

(1) The congressional intelligence committees.

(2) The Committee on the Judiciary and the Committee on Homeland Security and Governmental Affairs of the Senate.

(3) The Committee on the Judiciary and the Committee on Homeland Security of the House of Representatives.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall, in coordination with the Director of the Central Intelligence Agency, the Director of the National Security Agency, the Director of the Federal Bureau of Investigation, and the Secretary of Homeland Security, submit to the appropriate congressional committees a report describing—

(1) any attempts known to the intelligence community by foreign governments to exploit cybersecurity vulnerabilities in United States telecommunications networks (including Signaling System No. 7) to target for surveillance United States persons, including employees of the Federal Government; and

(2) any actions, as of the date of the enactment of this Act, taken by the intelligence community to protect agencies and personnel of the United States Government from surveillance conducted by foreign governments.

**SEC. 10717. BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.**

(a) **INTELLIGENCE COMMUNITY INTERAGENCY WORKING GROUP.**—

(1) **REQUIREMENT TO ESTABLISH.**—The Director of National Intelligence shall establish an intelligence community interagency working group to prepare the biennial reports required by subsection (b).

(2) **CHAIRPERSON.**—The Director of National Intelligence shall serve as the chairperson of such interagency working group.

(3) **MEMBERSHIP.**—Such interagency working group shall be composed of representatives of each element of the intelligence community that the Director of National Intelligence determines appropriate.

(b) **BIENNIAL REPORT ON FOREIGN INVESTMENT RISKS.**—

(1) **REPORT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 2 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on foreign investment risks prepared by the interagency working group established under subsection (a).

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include identification, analysis, and explanation of the following:

(A) Any current or projected major threats to the national security of the United States with respect to foreign investment.

(B) Any strategy used by a foreign country that such interagency working group has identified to be a country of special concern to use foreign investment to target the acquisition of critical technologies, critical materials, or critical infrastructure.

(C) Any economic espionage efforts directed at the United States by a foreign country, particularly such a country of special concern.

**SEC. 10718. MODIFICATION OF CERTAIN REPORTING REQUIREMENT ON TRAVEL OF FOREIGN DIPLOMATS.**

Section 502(d)(2) of the Intelligence Authorization Act for Fiscal Year 2017 (Public Law 115–31) is amended by striking “the number” and inserting “a best estimate”.

**SEC. 10719. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) **IN GENERAL.**—Title XI of the National Security Act of 1947 (50 U.S.C. 3231 et seq.) is amended by adding at the end the following new section:

**“SEC. 1105. SEMIANNUAL REPORTS ON INVESTIGATIONS OF UNAUTHORIZED DISCLOSURES OF CLASSIFIED INFORMATION.**

“(a) **DEFINITIONS.**—In this section:

“(1) **COVERED OFFICIAL.**—The term ‘covered official’ means—

“(A) the heads of each element of the intelligence community; and

“(B) the inspectors general with oversight responsibility for an element of the intelligence community.

“(2) **INVESTIGATION.**—The term ‘investigation’ means any inquiry, whether formal or informal, into the existence of an unauthorized public disclosure of classified information.

“(3) **UNAUTHORIZED DISCLOSURE OF CLASSIFIED INFORMATION.**—The term ‘unauthorized disclosure of classified information’ means any unauthorized disclosure of classified information to any recipient.

“(4) **UNAUTHORIZED PUBLIC DISCLOSURE OF CLASSIFIED INFORMATION.**—The term ‘unauthorized public disclosure of classified information’ means the unauthorized disclosure of classified information to a journalist or media organization.

“(b) **INTELLIGENCE COMMUNITY REPORTING.**—

“(1) **IN GENERAL.**—Not less frequently than once every 6 months, each covered official shall submit to the congressional intelligence committees a report on investigations of unauthorized public disclosures of classified information.

“(2) **ELEMENTS.**—Each report submitted under paragraph (1) shall include, with respect to the preceding 6-month period, the following:

“(A) The number of investigations opened by the covered official regarding an unauthorized public disclosure of classified information.

“(B) The number of investigations completed by the covered official regarding an unauthorized public disclosure of classified information.

“(C) Of the number of such completed investigations identified under subparagraph (B), the number referred to the Attorney General for criminal investigation.

“(c) **DEPARTMENT OF JUSTICE REPORTING.**—

“(1) **IN GENERAL.**—Not less frequently than once every 6 months, the Assistant Attorney General for National Security of the Department of Justice, in consultation with the Director of the Federal Bureau of Investigation, shall submit to the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives a report on the status of each referral made to the Department of Justice from any element of the intelligence community regarding an unauthorized disclosure of classified information made during the most recent 365-day period or any referral that has not yet been closed, regardless of the date the referral was made.

“(2) **CONTENTS.**—Each report submitted under paragraph (1) shall include, for each referral covered by the report, at a minimum, the following:

“(A) The date the referral was received.

“(B) A statement indicating whether the alleged unauthorized disclosure described in the referral was substantiated by the Department of Justice.

“(C) A statement indicating the highest level of classification of the information that was revealed in the unauthorized disclosure.

“(D) A statement indicating whether an open criminal investigation related to the referral is active.

“(E) A statement indicating whether any criminal charges have been filed related to the referral.

“(F) A statement indicating whether the Department of Justice has been able to attribute the unauthorized disclosure to a particular entity or individual.

“(d) **FORM OF REPORTS.**—Each report submitted under this section shall be submitted in unclassified form, but may have a classified annex.”

(b) **CLERICAL AMENDMENT.**—The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 1104 the following new item:

“Sec. 1105. Semiannual reports on investigations of unauthorized disclosures of classified information.”

**SEC. 10720. CONGRESSIONAL NOTIFICATION OF DESIGNATION OF COVERED INTELLIGENCE OFFICER AS PERSONA NON GRATA.**

(a) **COVERED INTELLIGENCE OFFICER DEFINED.**—In this section, the term “covered intelligence officer” means—

(1) a United States intelligence officer serving in a post in a foreign country; or

(2) a known or suspected foreign intelligence officer serving in a United States post.

(b) **REQUIREMENT FOR REPORTS.**—Not later than 72 hours after a covered intelligence officer is designated as a persona non grata, the Director of National Intelligence, in consultation with the Secretary of State, shall submit to the congressional intelligence committees, the Committee on Foreign Relations of the Senate, and the Committee on Foreign Affairs of the House of Representatives a notification of that designation. Each such notification shall include—

(1) the date of the designation;

(2) the basis for the designation; and

(3) a justification for the expulsion.

**SEC. 10721. REPORTS ON INTELLIGENCE COMMUNITY PARTICIPATION IN VULNERABILITIES EQUITIES PROCESS OF FEDERAL GOVERNMENT.**

(a) DEFINITIONS.—In this section:

(1) VULNERABILITIES EQUITIES POLICY AND PROCESS DOCUMENT.—The term “Vulnerabilities Equities Policy and Process document” means the executive branch document entitled “Vulnerabilities Equities Policy and Process” dated November 15, 2017.

(2) VULNERABILITIES EQUITIES PROCESS.—The term “Vulnerabilities Equities Process” means the interagency review of vulnerabilities, pursuant to the Vulnerabilities Equities Policy and Process document or any successor document.

(3) VULNERABILITY.—The term “vulnerability” means a weakness in an information system or its components (for example, system security procedures, hardware design, and internal controls) that could be exploited or could affect confidentiality, integrity, or availability of information.

(b) REPORTS ON PROCESS AND CRITERIA UNDER VULNERABILITIES EQUITIES POLICY AND PROCESS.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to the congressional intelligence committees a written report describing—

(A) with respect to each element of the intelligence community—

(i) the title of the official or officials responsible for determining whether, pursuant to criteria contained in the Vulnerabilities Equities Policy and Process document or any successor document, a vulnerability must be submitted for review under the Vulnerabilities Equities Process; and

(ii) the process used by such element to make such determination; and

(B) the roles or responsibilities of that element during a review of a vulnerability submitted to the Vulnerabilities Equities Process.

(2) CHANGES TO PROCESS OR CRITERIA.—Not later than 30 days after any significant change is made to the process and criteria used by any element of the intelligence community for determining whether to submit a vulnerability for review under the Vulnerabilities Equities Process, such element shall submit to the congressional intelligence committees a report describing such change.

(3) FORM OF REPORTS.—Each report submitted under this subsection shall be submitted in unclassified form, but may include a classified annex.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not less frequently than once each calendar year, the Director of National Intelligence shall submit to the congressional intelligence committees a classified report containing, with respect to the previous year—

(A) the number of vulnerabilities submitted for review under the Vulnerabilities Equities Process;

(B) the number of vulnerabilities described in subparagraph (A) disclosed to each vendor responsible for correcting the vulnerability, or to the public, pursuant to the Vulnerabilities Equities Process; and

(C) the aggregate number, by category, of the vulnerabilities excluded from review under the Vulnerabilities Equities Process, as described in paragraph 5.4 of the Vulnerabilities Equities Policy and Process document.

(2) UNCLASSIFIED INFORMATION.—Each report submitted under paragraph (1) shall include an unclassified appendix that contains—

(A) the aggregate number of vulnerabilities disclosed to vendors or the

public pursuant to the Vulnerabilities Equities Process; and

(B) the aggregate number of vulnerabilities disclosed to vendors or the public pursuant to the Vulnerabilities Equities Process known to have been patched.

(3) NON-DUPLICATION.—The Director of National Intelligence may forgo submission of an annual report required under this subsection for a calendar year, if the Director notifies the intelligence committees in writing that, with respect to the same calendar year, an annual report required by paragraph 4.3 of the Vulnerabilities Equities Policy and Process document already has been submitted to Congress, and such annual report contains the information that would otherwise be required to be included in an annual report under this subsection.

**SEC. 10722. INSPECTORS GENERAL REPORTS ON CLASSIFICATION.**

(a) REPORTS REQUIRED.—Not later than October 1, 2019, each Inspector General listed in subsection (b) shall submit to the congressional intelligence committees a report that includes, with respect to the department or agency of the Inspector General, analyses of the following:

(1) The accuracy of the application of classification and handling markers on a representative sample of finished reports, including such reports that are compartmented.

(2) Compliance with declassification procedures.

(3) The effectiveness of processes for identifying topics of public or historical importance that merit prioritization for a declassification review.

(b) INSPECTORS GENERAL LISTED.—The Inspectors General listed in this subsection are as follows:

(1) The Inspector General of the Intelligence Community.

(2) The Inspector General of the Central Intelligence Agency.

(3) The Inspector General of the National Security Agency.

(4) The Inspector General of the Defense Intelligence Agency.

(5) The Inspector General of the National Reconnaissance Office.

(6) The Inspector General of the National Geospatial-Intelligence Agency.

**SEC. 10723. REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS AND BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.**

(a) REPORTS ON GLOBAL WATER INSECURITY AND NATIONAL SECURITY IMPLICATIONS.—

(1) REPORTS REQUIRED.—Not later than 180 days after the date of the enactment of this Act and not less frequently than once every 5 years thereafter, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the implications of water insecurity on the national security interest of the United States, including consideration of social, economic, agricultural, and environmental factors.

(2) ASSESSMENT SCOPE AND FOCUS.—Each report submitted under paragraph (1) shall include an assessment of water insecurity described in such subsection with a global scope, but focus on areas of the world—

(A) of strategic, economic, or humanitarian interest to the United States—

(i) that are, as of the date of the report, at the greatest risk of instability, conflict, human insecurity, or mass displacement; or

(ii) where challenges relating to water insecurity are likely to emerge and become significant during the 5-year or the 20-year period beginning on the date of the report; and

(B) where challenges relating to water insecurity are likely to imperil the national

security interests of the United States or allies of the United States.

(3) CONSULTATION.—In researching a report required by paragraph (1), the Director shall consult with—

(A) such stakeholders within the intelligence community, the Department of Defense, and the Department of State as the Director considers appropriate; and

(B) such additional Federal agencies and persons in the private sector as the Director considers appropriate.

(4) FORM.—Each report submitted under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(b) BRIEFING ON EMERGING INFECTIOUS DISEASE AND PANDEMICS.—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection, the term “appropriate congressional committees” means—

(A) the congressional intelligence committees;

(B) the Committee on Foreign Affairs, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives; and

(C) the Committee on Foreign Relations, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) BRIEFING.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the appropriate congressional committees a briefing on the anticipated geopolitical effects of emerging infectious disease (including deliberate, accidental, and naturally occurring infectious disease threats) and pandemics, and their implications on the national security of the United States.

(3) CONTENT.—The briefing under paragraph (2) shall include an assessment of—

(A) the economic, social, political, and security risks, costs, and impacts of emerging infectious diseases on the United States and the international political and economic system; and

(B) the economic, social, political, and security risks, costs, and impacts of a major transnational pandemic on the United States and the international political and economic system; and

(C) contributing trends and factors to the matters assessed under subparagraphs (A) and (B).

(4) EXAMINATION OF RESPONSE CAPACITY.—In examining the risks, costs, and impacts of emerging infectious disease and a possible transnational pandemic under paragraph (3), the Director of National Intelligence shall also examine in the briefing under paragraph (2) the response capacity within affected countries and the international system. In considering response capacity, the Director shall include—

(A) the ability of affected nations to effectively detect and manage emerging infectious diseases and a possible transnational pandemic;

(B) the role and capacity of international organizations and nongovernmental organizations to respond to emerging infectious disease and a possible pandemic, and their ability to coordinate with affected and donor nations; and

(C) the effectiveness of current international frameworks, agreements, and health systems to respond to emerging infectious diseases and a possible transnational pandemic.

(5) FORM.—The briefing under paragraph (2) may be classified.

**SEC. 10724. ANNUAL REPORT ON MEMORANDA OF UNDERSTANDING BETWEEN ELEMENTS OF INTELLIGENCE COMMUNITY AND OTHER ENTITIES OF THE UNITED STATES GOVERNMENT REGARDING SIGNIFICANT OPERATIONAL ACTIVITIES OR POLICY.**

Section 311 of the Intelligence Authorization Act for Fiscal Year 2017 (50 U.S.C. 3313) is amended—

(1) by redesignating subsection (b) as subsection (c); and

(2) by striking subsection (a) and inserting the following:

“(a) IN GENERAL.—Each year, concurrent with the annual budget request submitted by the President to Congress under section 1105 of title 31, United States Code, each head of an element of the intelligence community shall submit to the congressional intelligence committees a report that lists each memorandum of understanding or other agreement regarding significant operational activities or policy entered into during the most recently completed fiscal year between or among such element and any other entity of the United States Government.

“(b) PROVISION OF DOCUMENTS.—Each head of an element of an intelligence community who receives a request from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives for a copy of a memorandum of understanding or other document listed in a report submitted by the head under subsection (a) shall submit to such committee the requested copy as soon as practicable after receiving such request.”.

**SEC. 10725. STUDY ON THE FEASIBILITY OF ENCRYPTING UNCLASSIFIED WIRELINE AND WIRELESS TELEPHONE CALLS.**

(a) STUDY REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence shall complete a study on the feasibility of encrypting unclassified wireline and wireless telephone calls between personnel in the intelligence community.

(b) REPORT.—Not later than 90 days after the date on which the Director completes the study required by subsection (a), the Director shall submit to the congressional intelligence committees a report on the Director's findings with respect to such study.

**SEC. 10726. MODIFICATION OF REQUIREMENT FOR ANNUAL REPORT ON HIRING AND RETENTION OF MINORITY EMPLOYEES.**

(a) EXPANSION OF PERIOD OF REPORT.—Subsection (a) of section 114 of the National Security Act of 1947 (50 U.S.C. 3050) is amended by inserting “and the preceding 5 fiscal years” after “fiscal year”.

(b) CLARIFICATION ON DISAGGREGATION OF DATA.—Subsection (b) of such section is amended, in the matter before paragraph (1), by striking “disaggregated data by category of covered person from each element of the intelligence community” and inserting “data, disaggregated by category of covered person and by element of the intelligence community.”.

**SEC. 10727. REPORTS ON INTELLIGENCE COMMUNITY LOAN REPAYMENT AND RELATED PROGRAMS.**

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) there should be established, through the issuing of an Intelligence Community Directive or otherwise, an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, for employees of the intelligence community;

(2) creating such a program would enhance the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including

with respect to mission-critical and hard-to-fill positions;

(3) such a program, including with respect to eligibility requirements, should be designed so as to maximize the ability of the elements of the intelligence community to recruit, hire, and retain highly qualified personnel, including with respect to mission-critical and hard-to-fill positions; and

(4) to the extent possible, such a program should be uniform throughout the intelligence community and publicly promoted by each element of the intelligence community to both current employees of the element as well as to prospective employees of the element.

**(b) REPORT ON POTENTIAL INTELLIGENCE COMMUNITY-WIDE PROGRAM.—**

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in cooperation with the heads of the elements of the intelligence community and the heads of any other appropriate department or agency of the Federal Government, shall submit to the congressional intelligence committees a report on potentially establishing and carrying out an intelligence community-wide program for student loan repayment, student loan forgiveness, financial counseling, and related matters, as described in subsection (a).

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, at a minimum, the following:

(A) A description of the financial resources that the elements of the intelligence community would require to establish and initially carry out the program specified in paragraph (1).

(B) A description of the practical steps to establish and carry out such a program.

(C) The identification of any legislative action the Director determines necessary to establish and carry out such a program.

**(c) ANNUAL REPORTS ON ESTABLISHED PROGRAMS.—**

(1) COVERED PROGRAMS DEFINED.—In this subsection, the term “covered programs” means any loan repayment program, loan forgiveness program, financial counseling program, or similar program, established pursuant to title X of the National Security Act of 1947 (50 U.S.C. 3191 et seq.) or any other provision of law that may be administered or used by an element of the intelligence community.

(2) ANNUAL REPORTS REQUIRED.—Not less frequently than once each year, the Director of National Intelligence shall submit to the congressional intelligence committees a report on the covered programs. Each such report shall include, with respect to the period covered by the report, the following:

(A) The number of personnel from each element of the intelligence community who used each covered program.

(B) The total amount of funds each element expended for each such program.

(C) A description of the efforts made by each element to promote each covered program pursuant to both the personnel of the element of the intelligence community and to prospective personnel.

**SEC. 10728. REPEAL OF CERTAIN REPORTING REQUIREMENTS.**

(a) CORRECTING LONG-STANDING MATERIAL WEAKNESSES.—Section 368 of the Intelligence Authorization Act for Fiscal Year 2010 (Public Law 110-259; 50 U.S.C. 3051 note) is hereby repealed.

(b) INTERAGENCY THREAT ASSESSMENT AND COORDINATION GROUP.—Section 210D of the Homeland Security Act of 2002 (6 U.S.C. 124k) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively; and

(3) in subsection (c), as so redesignated—  
(A) in paragraph (8), by striking “; and” and inserting a period; and  
(B) by striking paragraph (9).

(c) INSPECTOR GENERAL REPORT.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively.

**SEC. 10729. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY REPORT ON SENIOR EXECUTIVES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.**

(a) SENIOR EXECUTIVE SERVICE POSITION DEFINED.—In this section, the term “Senior Executive Service position” has the meaning given that term in section 3132(a)(2) of title 5, United States Code, and includes any position above the GS-15, step 10, level of the General Schedule under section 5332 of such title.

(b) REPORT.—Not later than 90 days after the date of the enactment of this Act, the Inspector General of the Intelligence Community shall submit to the congressional intelligence committees a report on the number of Senior Executive Service positions in the Office of the Director of National Intelligence.

(c) MATTERS INCLUDED.—The report under subsection (b) shall include the following:

(1) The number of required Senior Executive Service positions for the Office of the Director of National Intelligence.

(2) Whether such requirements are reasonably based on the mission of the Office.

(3) A discussion of how the number of the Senior Executive Service positions in the Office compare to the number of senior positions at comparable organizations.

(d) COOPERATION.—The Director of National Intelligence shall provide to the Inspector General of the Intelligence Community any information requested by the Inspector General of the Intelligence Community that is necessary to carry out this section by not later than 14 calendar days after the date on which the Inspector General of the Intelligence Community makes such request.

**SEC. 10730. BRIEFING ON FEDERAL BUREAU OF INVESTIGATION OFFERING PERMANENT RESIDENCE TO SOURCES AND COOPERATORS.**

Not later than 30 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall provide to the congressional intelligence committees a briefing on the ability of the Federal Bureau of Investigation to offer, as an inducement to assisting the Bureau, permanent residence within the United States to foreign individuals who are sources or co-operators in counterintelligence or other national security-related investigations. The briefing shall address the following:

(1) The extent to which the Bureau may make such offers, whether independently or in conjunction with other agencies and departments of the United States Government, including a discussion of the authorities provided by section 101(a)(15)(S) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(S)), section 7 of the Central Intelligence Agency Act (50 U.S.C. 3508), and any other provision of law under which the Bureau may make such offers.

(2) An overview of the policies and operational practices of the Bureau with respect to making such offers.

(3) The sufficiency of such policies and practices with respect to inducing individuals to cooperate with, serve as sources for such investigations, or both.

(4) Whether the Director recommends any legislative actions to improve such policies and practices, particularly with respect to the counterintelligence efforts of the Bureau.

**SEC. 10731. INTELLIGENCE ASSESSMENT OF NORTH KOREA REVENUE SOURCES.**

(a) **ASSESSMENT REQUIRED.**—Not later than 180 days after the date of the enactment of this Act, the Director of National Intelligence, in coordination with the Assistant Secretary of State for Intelligence and Research and the Assistant Secretary of the Treasury for Intelligence and Analysis, shall produce an intelligence assessment of the revenue sources of the North Korean regime. Such assessment shall include revenue from the following sources:

- (1) Trade in coal, iron, and iron ore.
- (2) The provision of fishing rights to North Korean territorial waters.
- (3) Trade in gold, titanium ore, vanadium ore, copper, silver, nickel, zinc, or rare earth minerals, and other stores of value.
- (4) Trade in textiles.
- (5) Sales of conventional defense articles and services.
- (6) Sales of controlled goods, ballistic missiles, and other associated items.
- (7) Other types of manufacturing for export, as the Director of National Intelligence considers appropriate.

(8) The exportation of workers from North Korea in a manner intended to generate significant revenue, directly or indirectly, for use by the government of North Korea.

(9) The provision of nonhumanitarian goods (such as food, medicine, and medical devices) and services by other countries.

(10) The provision of services, including banking and other support, including by entities located in the Russian Federation, China, and Iran.

(11) Online commercial activities of the Government of North Korea, including online gambling.

(12) Criminal activities, including cyber-enabled crime and counterfeit goods.

(b) **ELEMENTS.**—The assessment required under subsection (a) shall include an identification of each of the following:

- (1) The sources of North Korea's funding.
- (2) Financial and non-financial networks, including supply chain management, transportation, and facilitation, through which North Korea accesses the United States and international financial systems and repatriates and exports capital, goods, and services; and

(3) the global financial institutions, money services business, and payment systems that assist North Korea with financial transactions.

(c) **SUBMITTAL TO CONGRESS.**—Upon completion of the assessment required under subsection (a), the Director of National Intelligence shall submit to the congressional intelligence committees a copy of such assessment.

**SEC. 10732. REPORT ON POSSIBLE EXPLOITATION OF VIRTUAL CURRENCIES BY TERRORIST ACTORS.**

(a) **SHORT TITLE.**—This section may be cited as the “Stop Terrorist Use of Virtual Currencies Act”.

(b) **REPORT.**—Not later than 1 year after the date of the enactment of this Act, the Director of National Intelligence, in consultation with the Secretary of the Treasury, shall submit to Congress a report on the possible exploitation of virtual currencies by terrorist actors. Such report shall include the following elements:

(1) An assessment of the means and methods by which international terrorist organizations and State sponsors of terrorism use virtual currencies.

(2) An assessment of the use by terrorist organizations and State sponsors of terrorism

of virtual currencies compared to the use by such organizations and States of other forms of financing to support operations, including an assessment of the collection posture of the intelligence community on the use of virtual currencies by such organizations and States.

(3) A description of any existing legal impediments that inhibit or prevent the intelligence community from collecting information on or helping prevent the use of virtual currencies by international terrorist organizations and State sponsors of terrorism and an identification of any gaps in existing law that could be exploited for illicit funding by such organizations and States.

(c) **FORM OF REPORT.**—The report required by subsection (b) shall be submitted in unclassified form, but may include a classified annex.

**Subtitle C—Other Matters**

**SEC. 10741. PUBLIC INTEREST DECLASSIFICATION BOARD.**

Section 710(b) of the Public Interest Declassification Act of 2000 (Public Law 106-567; 50 U.S.C. 3161 note) is amended by striking “December 31, 2018” and inserting “December 31, 2028”.

**SEC. 10742. SECURING ENERGY INFRASTRUCTURE.**

(a) **DEFINITIONS.**—In this section:

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

(A) the congressional intelligence committees;

(B) the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate; and

(C) the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives.

(2) **COVERED ENTITY.**—The term “covered entity” means an entity identified pursuant to section 9(a) of Executive Order 13636 of February 12, 2013 (78 Fed. Reg. 11742), relating to identification of critical infrastructure where a cybersecurity incident could reasonably result in catastrophic regional or national effects on public health or safety, economic security, or national security.

(3) **EXPLOIT.**—The term “exploit” means a software tool designed to take advantage of a security vulnerability.

(4) **INDUSTRIAL CONTROL SYSTEM.**—The term “industrial control system” means an operational technology used to measure, control, or manage industrial functions, and includes supervisory control and data acquisition systems, distributed control systems, and programmable logic or embedded controllers.

(5) **NATIONAL LABORATORY.**—The term “National Laboratory” has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(6) **PROGRAM.**—The term “Program” means the pilot program established under subsection (b).

(7) **SECRETARY.**—Except as otherwise specifically provided, the term “Secretary” means the Secretary of Energy.

(8) **SECURITY VULNERABILITY.**—The term “security vulnerability” means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

(b) **PILOT PROGRAM FOR SECURING ENERGY INFRASTRUCTURE.**—Not later than 180 days after the date of the enactment of this Act, the Secretary shall establish a 2-year control systems implementation pilot program within the National Laboratories for the purposes of—

(1) partnering with covered entities in the energy sector (including critical component manufacturers in the supply chain) that vol-

untarily participate in the Program to identify new classes of security vulnerabilities of the covered entities; and

(2) evaluating technology and standards, in partnership with covered entities, to isolate and defend industrial control systems of covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities, including—

- (A) analog and nondigital control systems;
- (B) purpose-built control systems; and
- (C) physical controls.

(c) **WORKING GROUP TO EVALUATE PROGRAM STANDARDS AND DEVELOP STRATEGY.**—

(1) **ESTABLISHMENT.**—The Secretary shall establish a working group—

(A) to evaluate the technology and standards used in the Program under subsection (b)(2); and

(B) to develop a national cyber-informed engineering strategy to isolate and defend covered entities from security vulnerabilities and exploits in the most critical systems of the covered entities.

(2) **MEMBERSHIP.**—The working group established under paragraph (1) shall be composed of not fewer than 10 members, to be appointed by the Secretary, at least 1 member of which shall represent each of the following:

- (A) The Department of Energy.
- (B) The energy industry, including electric utilities and manufacturers recommended by the Energy Sector coordinating councils.
- (C)(i) The Department of Homeland Security; or

(ii) the Industrial Control Systems Cyber Emergency Response Team.

(D) The North American Electric Reliability Corporation.

(E) The Nuclear Regulatory Commission.

(F)(i) The Office of the Director of National Intelligence; or

(ii) the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)).

(G)(i) The Department of Defense; or

(ii) the Assistant Secretary of Defense for Homeland Security and America's Security Affairs.

(H) A State or regional energy agency.

(I) A national research body or academic institution.

(J) The National Laboratories.

(d) **REPORTS ON THE PROGRAM.**—

(1) **INTERIM REPORT.**—Not later than 180 days after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees an interim report that—

- (A) describes the results of the Program;
- (B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(2) **FINAL REPORT.**—Not later than 2 years after the date on which funds are first disbursed under the Program, the Secretary shall submit to the appropriate congressional committees a final report that—

- (A) describes the results of the Program;
- (B) includes an analysis of the feasibility of each method studied under the Program; and

(C) describes the results of the evaluations conducted by the working group established under subsection (c)(1).

(e) **EXEMPTION FROM DISCLOSURE.**—Information shared by or with the Federal Government or a State, Tribal, or local government under this section—

(1) shall be deemed to be voluntarily shared information;

(2) shall be exempt from disclosure under section 552 of title 5, United States Code, or any provision of any State, Tribal, or local

freedom of information law, open government law, open meetings law, open records law, sunshine law, or similar law requiring the disclosure of information or records; and

(3) shall be withheld from the public, without discretion, under section 552(b)(3) of title 5, United States Code, and any provision of any State, Tribal, or local law requiring the disclosure of information or records.

(f) PROTECTION FROM LIABILITY.—

(1) IN GENERAL.—A cause of action against a covered entity for engaging in the voluntary activities authorized under subsection (b)—

(A) shall not lie or be maintained in any court; and

(B) shall be promptly dismissed by the applicable court.

(2) VOLUNTARY ACTIVITIES.—Nothing in this section subjects any covered entity to liability for not engaging in the voluntary activities authorized under subsection (b).

(g) NO NEW REGULATORY AUTHORITY FOR FEDERAL AGENCIES.—Nothing in this section authorizes the Secretary or the head of any other department or agency of the Federal Government to issue new regulations.

(h) AUTHORIZATION OF APPROPRIATIONS.—

(1) PILOT PROGRAM.—There is authorized to be appropriated \$10,000,000 to carry out subsection (b).

(2) WORKING GROUP AND REPORT.—There is authorized to be appropriated \$1,500,000 to carry out subsections (c) and (d).

(3) AVAILABILITY.—Amounts made available under paragraphs (1) and (2) shall remain available until expended.

#### SEC. 10743. BUG BOUNTY PROGRAMS.

(a) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term “appropriate committees of Congress” means—

(A) the congressional intelligence committees;

(B) the Committee on Armed Services and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(C) the Committee on Armed Services and the Committee on Homeland Security of the House of Representatives.

(2) BUG BOUNTY PROGRAM.—The term “bug bounty program” means a program under which an approved computer security specialist or security researcher is temporarily authorized to identify and report vulnerabilities within the information system of an agency or department of the United States in exchange for compensation.

(3) INFORMATION SYSTEM.—The term “information system” has the meaning given that term in section 3502 of title 44, United States Code.

(b) BUG BOUNTY PROGRAM PLAN.—

(1) REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Homeland Security, in consultation with the Secretary of Defense, shall submit to appropriate committees of Congress a strategic plan for appropriate agencies and departments of the United States to implement bug bounty programs.

(2) CONTENTS.—The plan required by paragraph (1) shall include—

(A) an assessment of—

(i) the “Hack the Pentagon” pilot program carried out by the Department of Defense in 2016 and subsequent bug bounty programs in identifying and reporting vulnerabilities within the information systems of the Department of Defense; and

(ii) private sector bug bounty programs, including such programs implemented by leading technology companies in the United States; and

(B) recommendations on the feasibility of initiating bug bounty programs at appropriate agencies and departments of the United States.

#### SEC. 10744. MODIFICATION OF AUTHORITIES RELATING TO THE NATIONAL INTELLIGENCE UNIVERSITY.

(a) CIVILIAN FACULTY MEMBERS; EMPLOYMENT AND COMPENSATION.—

(1) IN GENERAL.—Section 1595(c) of title 10, United States Code, is amended by adding at the end the following:

“(5) The National Intelligence University.”

(2) COMPENSATION PLAN.—The Secretary of Defense shall provide each person employed as a full-time professor, instructor, or lecturer at the National Intelligence University on the date of the enactment of this Act an opportunity to elect to be paid under the compensation plan in effect on the day before the date of the enactment of this Act (with no reduction in pay) or under the authority of section 1595 of title 10, United States Code, as amended by paragraph (1).

(b) ACCEPTANCE OF FACULTY RESEARCH GRANTS.—Section 2161 of such title is amended by adding at the end the following:

“(d) ACCEPTANCE OF FACULTY RESEARCH GRANTS.—The Secretary of Defense may authorize the President of the National Intelligence University to accept qualifying research grants in the same manner and to the same degree as the President of the National Defense University under section 2165(e) of this title.”

(c) PILOT PROGRAM ON ADMISSION OF PRIVATE SECTOR CIVILIANS TO RECEIVE INSTRUCTION.—

(1) PILOT PROGRAM REQUIRED.—

(A) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall commence carrying out a pilot program to assess the feasibility and advisability of permitting eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Intelligence University.

(B) DURATION.—The Secretary shall carry out the pilot program during the 3-year period beginning on the date of the commencement of the pilot program.

(C) EXISTING PROGRAM.—The Secretary shall carry out the pilot program in a manner that is consistent with section 2167 of title 10, United States Code.

(D) NUMBER OF PARTICIPANTS.—No more than the equivalent of 35 full-time student positions may be filled at any one time by private sector employees enrolled under the pilot program.

(E) DIPLOMAS AND DEGREES.—Upon successful completion of the course of instruction in which enrolled, any such private sector employee may be awarded an appropriate diploma or degree under section 2161 of title 10, United States Code.

(2) ELIGIBLE PRIVATE SECTOR EMPLOYEES.—

(A) IN GENERAL.—For purposes of this subsection, an eligible private sector employee is an individual employed by a private firm that is engaged in providing to the Department of Defense, the intelligence community, or other Government departments or agencies significant and substantial intelligence or defense-related systems, products, or services or whose work product is relevant to national security policy or strategy.

(B) LIMITATION.—Under this subsection, a private sector employee admitted for instruction at the National Intelligence University remains eligible for such instruction only so long as that person remains employed by the same firm, holds appropriate security clearances, and complies with any other applicable security protocols.

(3) ANNUAL CERTIFICATION BY SECRETARY OF DEFENSE.—Under the pilot program, private sector employees may receive instruction at the National Intelligence University during any academic year only if, before the start of

that academic year, the Secretary of Defense determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to private sector employees under this section during that year will further the national security interests of the United States.

(4) PILOT PROGRAM REQUIREMENTS.—The Secretary of Defense shall ensure that—

(A) the curriculum in which private sector employees may be enrolled under the pilot program is not readily available through other schools and concentrates on national security-relevant issues; and

(B) the course offerings at the National Intelligence University are determined by the needs of the Department of Defense and the intelligence community.

(5) TUITION.—The President of the National Intelligence University shall charge students enrolled under the pilot program a rate that—

(A) is at least the rate charged for employees of the United States outside the Department of Defense, less infrastructure costs; and

(B) considers the value to the school and course of the private sector student.

(6) STANDARDS OF CONDUCT.—While receiving instruction at the National Intelligence University, students enrolled under the pilot program, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the university.

(7) USE OF FUNDS.—

(A) IN GENERAL.—Amounts received by the National Intelligence University for instruction of students enrolled under the pilot program shall be retained by the university to defray the costs of such instruction.

(B) RECORDS.—The source, and the disposition, of such funds shall be specifically identified in records of the university.

(8) REPORTS.—

(A) ANNUAL REPORTS.—Each academic year in which the pilot program is carried out, the Secretary shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the number of eligible private sector employees participating in the pilot program.

(B) FINAL REPORT.—Not later than 90 days after the date of the conclusion of the pilot program, the Secretary shall submit to the congressional intelligence committees, the Committee on Armed Services of the Senate, and the Committee on Armed Services of the House of Representatives a report on the findings of the Secretary with respect to the pilot program. Such report shall include—

(i) the findings of the Secretary with respect to the feasibility and advisability of permitting eligible private sector employees who work in organizations relevant to national security to receive instruction at the National Intelligence University; and

(ii) a recommendation as to whether the pilot program should be extended.

#### SEC. 10745. TECHNICAL AND CLERICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

(a) TABLE OF CONTENTS.—The table of contents at the beginning of the National Security Act of 1947 (50 U.S.C. 3001 et seq.) is amended—

(1) by inserting after the item relating to section 2 the following new item:

“Sec. 3. Definitions.”;

(2) by striking the item relating to section 107;



(3) by striking the item relating to section 113B and inserting the following new item:

“Sec. 113B. Special pay authority for science, technology, engineering, or mathematics positions.”;

(4) by striking the items relating to sections 202, 203, 204, 208, 209, 210, 211, 212, 213, and 214; and

(5) by inserting after the item relating to section 311 the following new item:

“Sec. 312. Repealing and saving provisions.”.

(b) OTHER TECHNICAL CORRECTIONS.—Such Act is further amended—

(1) in section 102A—

(A) in subparagraph (G) of paragraph (1) of subsection (g), by moving the margins of such subparagraph 2 ems to the left; and

(B) in paragraph (3) of subsection (v), by moving the margins of such paragraph 2 ems to the left;

(2) in section 106—

(A) by inserting “SEC. 106” before “(a)”;

(B) in subparagraph (I) of paragraph (2) of subsection (b), by moving the margins of such subparagraph 2 ems to the left;

(3) by striking section 107;

(4) in section 108(c), by striking “in both a classified and an unclassified form” and inserting “to Congress in classified form, but may include an unclassified summary”;

(5) in section 112(c)(1), by striking “section 103(c)(7)” and inserting “section 102A(i)”;

(6) by amending section 201 to read as follows:

**“SEC. 201. DEPARTMENT OF DEFENSE.**

“Except to the extent inconsistent with the provisions of this Act or other provisions of law, the provisions of title 5, United States Code, shall be applicable to the Department of Defense.”;

(7) in section 205, by redesignating subsections (b) and (c) as subsections (a) and (b), respectively;

(8) in section 206, by striking “(a)”;

(9) in section 207, by striking “(c)”;

(10) in section 308(a), by striking “this Act” and inserting “sections 2, 101, 102, 103, and 303 of this Act”;

(11) by redesignating section 411 as section 312;

(12) in section 503—

(A) in paragraph (5) of subsection (c)—

(i) by moving the margins of such paragraph 2 ems to the left; and

(ii) by moving the margins of subparagraph (B) of such paragraph 2 ems to the left; and

(B) in paragraph (2) of subsection (d), by moving the margins of such paragraph 2 ems to the left; and

(13) in subparagraph (B) of paragraph (3) of subsection (a) of section 504, by moving the margins of such subparagraph 2 ems to the right.

**SEC. 10746. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.**

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.—Section 3233(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—

(1) by striking “Administration” and inserting “Department”; and

(2) by inserting “Intelligence and” after “the Office of”.

(b) ATOMIC ENERGY DEFENSE ACT.—Section 4524(b)(2) of the Atomic Energy Defense Act (50 U.S.C. 2674(b)(2)) is amended by inserting “Intelligence and” after “The Director of”.

(c) NATIONAL SECURITY ACT OF 1947.—Paragraph (2) of section 106(b) of the National Security Act of 1947 (50 U.S.C. 3041(b)(2)) is amended—

(1) in subparagraph (E), by inserting “and Counterintelligence” after “Office of Intelligence”;

(2) by striking subparagraph (F);

(3) by redesignating subparagraphs (G), (H), and (I) as subparagraphs (F), (G), and (H), respectively; and

(4) in subparagraph (H), as so redesignated, by realigning the margin of such subparagraph 2 ems to the left.

**SEC. 10747. SENSE OF CONGRESS ON NOTIFICATION OF CERTAIN DISCLOSURES OF CLASSIFIED INFORMATION.**

(a) DEFINITIONS.—In this section:

(1) ADVERSARY FOREIGN GOVERNMENT.—The term “adversary foreign government” means the government of any of the following foreign countries:

(A) North Korea.

(B) Iran.

(C) China.

(D) Russia.

(E) Cuba.

(2) COVERED CLASSIFIED INFORMATION.—The term “covered classified information” means classified information that was—

(A) collected by an element of the intelligence community; or

(B) provided by the intelligence service or military of a foreign country to an element of the intelligence community.

(3) ESTABLISHED INTELLIGENCE CHANNELS.—The term “established intelligence channels” means methods to exchange intelligence to coordinate foreign intelligence relationships, as established pursuant to law by the Director of National Intelligence, the Director of the Central Intelligence Agency, the Director of the National Security Agency, or other head of an element of the intelligence community.

(4) INDIVIDUAL IN THE EXECUTIVE BRANCH.—The term “individual in the executive branch” means any officer or employee of the executive branch, including individuals—

(A) occupying a position specified in article II of the Constitution;

(B) appointed to a position by an individual described in subparagraph (A); or

(C) serving in the civil service or the Senior Executive Service (or similar service for senior executives of particular departments or agencies).

(b) FINDINGS.—Congress finds that section 502 of the National Security Act of 1947 (50 U.S.C. 3092) requires elements of the intelligence community to keep the congressional intelligence committees “fully and currently informed” about all “intelligence activities” of the United States, and to “furnish to the congressional intelligence committees any information or material concerning intelligence activities \* \* \* which is requested by either of the congressional intelligence committees in order to carry out its authorized responsibilities.”.

(c) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) section 502 of the National Security Act of 1947 (50 U.S.C. 3092), together with other intelligence community authorities, obligates an element of the intelligence community to submit to the congressional intelligence committees written notification, by not later than 7 days after becoming aware, that an individual in the executive branch has disclosed covered classified information to an official of an adversary foreign government using methods other than established intelligence channels; and

(2) each such notification should include—

(A) the date and place of the disclosure of classified information covered by the notification;

(B) a description of such classified information;

(C) identification of the individual who made such disclosure and the individual to whom such disclosure was made; and

(D) a summary of the circumstances of such disclosure.

**SEC. 10748. SENSE OF CONGRESS ON CONSIDERATION OF ESPIONAGE ACTIVITIES WHEN CONSIDERING WHETHER OR NOT TO PROVIDE VISAS TO FOREIGN INDIVIDUALS TO BE ACCREDITED TO A UNITED NATIONS MISSION IN THE UNITED STATES.**

It is the sense of the Congress that the Secretary of State, in considering whether or not to provide a visa to a foreign individual to be accredited to a United Nations mission in the United States, should consider—

(1) known and suspected intelligence activities, espionage activities, including activities constituting precursors to espionage, carried out by the individual against the United States, foreign allies of the United States, or foreign partners of the United States; and

(2) the status of an individual as a known or suspected intelligence officer for a foreign adversary.

**SEC. 10749. SENSE OF CONGRESS ON WIKILEAKS.**

It is the sense of Congress that WikiLeaks and the senior leadership of WikiLeaks resemble a nonstate hostile intelligence service often abetted by state actors and should be treated as such a service by the United States.

**SA 765.** Mr. MORAN submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title III, add the following:

**SEC. 360. STUDY ON FEASIBILITY OF INCLUDING ANALYTICAL MODEL OF WIND TURBINES INTO EXISTING CLEARINGHOUSE PROCESS.**

(a) STUDY.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Transportation and the heads of such other Federal agencies as the Secretary of Defense considers appropriate, shall conduct a study on the feasibility of including an analytical model of wind turbines into the existing clearinghouse process of the Department of Defense.

(2) ELEMENTS.—The study required by paragraph (1) shall include the following:

(A) An analysis of the following:

(i) The height and blade dimension of wind turbine structures, the energy generated by such structures, and other factors relating to such structures as the Secretary of Defense determines appropriate.

(ii) Topographical and environmental considerations associated with the location of wind turbine projects.

(iii) The impact of individual wind turbine structures and the combined impact of proposed and existing wind turbine structures within a 50-mile radius of commercial or military airfields or military training routes, including the amount and pattern of turbulence from a single wind turbine structure in a horizontal and vertical direction.

(iv) The proximity of wind turbine structures to general aviation, commercial or military training routes, installations of the Department of Defense, and special use airspace.

(v) The impact of wind turbine structure operation, individually or collectively, on—

(I) approach and departure corridors;

(II) established military training routes;

(III) radar for the National Weather Service;



(IV) radar for air traffic control;  
 (V) instrumented landing systems; and  
 (VI) other factors, as determined by the Administrator of the Federal Aviation Administration and the Secretary of Defense.

(B) An assessment of whether including an analytical model of wind turbines into the existing clearinghouse process of the Department of Defense is practical, necessary, or cost-beneficial as compared to the current process of the Department.

(b) REPORT.—Not later than July 31, 2020, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study conducted under subsection (a).

**SA 766.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII, add the following:

**Subtitle G—Made in America Shipbuilding**  
**SEC. 871. SHORT TITLE.**

This subtitle may be cited as the “Made in America Shipbuilding Act of 2019”.

**SEC. 872. DOMESTIC SHIPBUILDING REQUIREMENT.**

(a) IN GENERAL.—The head of an executive agency may not enter into a contract related to the acquisition, construction, or conversion of a vessel unless the vessel is to be constructed or converted in the United States.

(b) EXECUTIVE AGENCY DEFINED.—In this section, the term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

**SEC. 873. DOMESTIC SOURCING REQUIREMENT FOR SHIPBOARD COMPONENTS.**

(a) IN GENERAL.—Chapter 47 of title 41, United States Code, is amended by adding at the end the following new section:

**“§ 4714. Domestic sourcing requirement for shipboard components**

“(a) REQUIREMENT FOR UNITED STATES MANUFACTURE.—

“(1) LIMITATION ON PROCUREMENTS.—The head of an executive agency may procure any of the following components for vessels only if the items are manufactured in the United States:

“(A) IN GENERAL.—The following components for vessels:

- “(i) Air circuit breakers.
- “(ii) Welded shipboard anchor and mooring chain with a diameter of four inches or less.
- “(iii) Auxiliary equipment, including pumps, for all shipboard services.
- “(iv) Propulsion system components (engines, reduction gears, and propellers).
- “(v) Shipboard cranes.
- “(vi) Spreaders for shipboard cranes.
- “(vii) Capstans.
- “(viii) Winches.
- “(ix) Hoists.
- “(x) Outboard motors.
- “(xi) Windlasses.

“(B) OTHER COMPONENTS.—The following components of vessels, to the extent they are unique to marine applications: gyrocompasses, electronic navigation chart systems, steering controls, pumps, propulsion and machinery control systems, and totally enclosed lifeboats.

“(C) VALVES AND MACHINE TOOLS.—Items in the following categories:

“(i) Powered and non-powered valves in Federal Supply Classes 4810 and 4820 used in

pipings for naval surface ships and submarines.

“(ii) Machine tools in the Federal Supply Classes for metal-working machinery numbered 3405, 3408, 3410 through 3419, 3426, 3433, 3438, 3441 through 3443, 3445, 3446, 3448, 3449, 3460, and 3461.

“(2) APPLICABILITY TO CERTAIN ITEMS.—Paragraph (1) does not apply to a procurement of spare or repair parts needed to support components for vessels produced or manufactured outside the United States.

“(3) WAIVER AUTHORITY.—The head of an executive agency may waive the limitation in paragraph (1) with respect to the procurement of an item listed in that paragraph if the head of the agency determines that any of the following apply:

“(A) Application of the limitation would increase the cost of the overall acquisition by more than 25 percent or cause unreasonable delays to be incurred.

“(B) Satisfactory quality items manufactured by a domestic entity are not available or domestic production of such items cannot be initiated without significantly delaying the project for which the item is to be acquired.

“(C) Application of the limitation would result in the existence of only one domestic source for the item.

“(D) Application of the limitation is not in the national security interests of the United States.

“(4) IMPLEMENTATION OF WAIVER AUTHORITY.—

“(A) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the waiver authority under paragraph (3).

“(B) PUBLICATION.—Not later than 30 days after exercising the waiver authority under paragraph (3), the head of the agency shall publish in an easily identifiable location on the website of the agency information regarding the waiver, including a detailed justification for the waiver.

“(5) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has used a waiver described in this section in the fiscal year shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the total amount of waivers used and detailed information regarding and justification for the waiver.

“(b) COMPONENTS CONTAINING SPECIALTY METALS.—

“(1) LIMITATION ON PROCUREMENTS.—The head of an executive agency may not enter into a contract for the procurement of end items or components for ships that contain a specialty metal not melted or produced in the United States.

“(2) AVAILABILITY EXCEPTION.—

“(A) IN GENERAL.—Paragraph (1) does not apply to the extent that the head of an executive agency determines that compliant specialty metal of satisfactory quality and sufficient quantity, and in the required form, cannot be procured as and when needed. For purposes of the preceding sentence, the term ‘compliant specialty metal’ means specialty metal melted or produced in the United States.

“(B) APPLICABILITY.—This paragraph applies to prime contracts and subcontracts at any tier under such contracts.

“(3) EXCEPTION FOR CERTAIN ACQUISITIONS.—Paragraph (1) does not apply to the following:

“(A) Acquisitions outside the United States in support of combat operations or in support of contingency operations.

“(B) Acquisitions for which the use of procedures other than competitive procedures

has been approved on the basis of section 3304(c) of this title, relating to unusual and compelling urgency of need.

“(4) EXCEPTION RELATING TO AGREEMENTS WITH FOREIGN GOVERNMENTS.—Paragraph (1) does not preclude the acquisition of a specialty metal if—

“(A) the acquisition is necessary—

“(i) to comply with agreements with foreign governments requiring the United States to purchase supplies from foreign sources for the purposes of offsetting sales made by the United States Government or United States firms under approved programs serving defense requirements; or

“(ii) in furtherance of agreements with foreign governments in which both such governments agree to remove barriers to purchases of supplies produced in the other country or services performed by sources of the other country; and

“(B) any such agreement with a foreign government complies, where applicable, with the requirements of section 36 of the Arms Export Control Act (22 U.S.C. 2776) and with section 2457 of title 10.

“(5) EXCEPTION FOR SMALL PURCHASES.—Paragraph (1) does not apply to acquisitions in amounts not greater than the simplified acquisition threshold referred to in section 134 of this title.

“(6) EXCEPTION FOR PURCHASES OF ELECTRONIC COMPONENTS.—Paragraph (1) does not apply to acquisitions of electronic components, unless the head of the agency, with the concurrence of the Secretary of Defense and upon the recommendation of the Strategic Materials Protection Board pursuant to section 187 of title 10, determines that the domestic availability of a particular electronic component is critical to national security.

“(7) APPLICABILITY TO ACQUISITIONS OF COMMERCIAL ITEMS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), this section applies to acquisitions of commercial items, notwithstanding sections 1906 and 1907 of this title.

“(B) EXCEPTIONS.—This section does not apply to contracts or subcontracts for the acquisition of commercially available off-the-shelf items, as defined in section 104 of this title, other than—

“(i) contracts or subcontracts for the acquisition of specialty metals, including mill products, such as bar, billet, slab, wire, plate and sheet, that have not been incorporated into end items, subsystems, assemblies, or components;

“(ii) contracts or subcontracts for the acquisition of forgings or castings of specialty metals, unless such forgings or castings are incorporated into commercially available off-the-shelf end items, subsystems, or assemblies;

“(iii) contracts or subcontracts for commercially available high performance magnets unless such high performance magnets are incorporated into commercially available off-the-shelf end items or subsystems; and

“(iv) contracts or subcontracts for commercially available off-the-shelf fasteners, unless such fasteners are—

“(I) incorporated into commercially available off-the-shelf end items, subsystems, assemblies, or components; or

“(II) purchased as provided in subparagraph (C).

“(C) INAPPLICABILITY TO CERTAIN FASTENERS.—This subsection does not apply to fasteners that are commercial items that are purchased under a contract or subcontract with a manufacturer of such fasteners, if the manufacturer has certified that it will purchase, during the relevant calendar year, an amount of domestically melted specialty

metal, in the required form, for use in the production of such fasteners for sale to executive agencies and other customers, that is not less than 50 percent of the total amount of the specialty metal that it will purchase to carry out the production of such fasteners.

“(8) EXCEPTIONS FOR PURCHASES OF SPECIALTY METALS BELOW MINIMUM THRESHOLD.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), the head of an executive agency may accept delivery of an item containing specialty metals that were not melted in the United States if the total amount of non-compliant specialty metals in the item does not exceed 2 percent of the total weight of specialty metals in the item.

“(B) EXCEPTION.—This paragraph does not apply to high performance magnets.

“(9) STREAMLINED COMPLIANCE FOR COMMERCIAL DERIVATIVE MILITARY ARTICLES.—

“(A) IN GENERAL.—Paragraph (1) shall not apply to an item acquired under a prime contract if the head of an executive agency determines that—

“(i) the item is a commercial derivative military article; and

“(ii) the contractor certifies that the contractor and its subcontractors have entered into a contractual agreement, or agreements, to purchase an amount of domestically melted specialty metal in the required form, for use during the period of contract performance in the production of the commercial derivative military article and the related commercial article, that is not less than the greater of—

“(I) an amount equivalent to 120 percent of the amount of specialty metal that is required to carry out the production of the commercial derivative military article (including the work performed under each subcontract); or

“(II) an amount equivalent to 50 percent of the amount of specialty metal that is purchased by the contractor and its subcontractors for use during such period in the production of the commercial derivative military article and the related commercial article.

“(B) DETERMINATION OF AMOUNT OF SPECIALTY METAL REQUIRED.—For the purposes of this paragraph, the amount of specialty metal that is required to carry out the production of the commercial derivative military article includes specialty metal contained in any item, including commercially available off-the-shelf items, incorporated into such commercial derivative military article.

“(10) NATIONAL SECURITY WAIVER.—

“(A) IN GENERAL.—Notwithstanding paragraph (1), the head of an executive agency may accept the delivery of an end item containing noncompliant materials if the head of the executive agency determines in writing that acceptance of such end item is necessary to the national security interests of the United States.

“(B) REQUIREMENTS.—A written determination under subparagraph (A)—

“(i) shall specify the quantity of end items to which the waiver applies and the time period over which the waiver applies; and

“(ii) shall be provided to Congress prior to making such a determination (except that in the case of an urgent national security requirement, such certification may be provided to Congress up to 7 days after it is made).

“(C) KNOWING OR WILLFUL NONCOMPLIANCE.—

“(i) DETERMINATION.—In any case in which the head of an executive agency makes a determination under subparagraph (A), the head of the executive agency shall determine whether or not the noncompliance was knowing and willful.

“(ii) NOT KNOWING OR WILLFUL NONCOMPLIANCE.—If the head of the executive agency determines that the noncompliance was not knowing or willful, the head of the executive agency shall ensure that the contractor or subcontractor responsible for the noncompliance develops and implements an effective plan to ensure future compliance.

“(iii) KNOWING OR WILLFUL NONCOMPLIANCE.—If the head of the executive agency determines that the noncompliance was knowing or willful, the head of the executive agency shall—

“(I) require the development and implementation of a plan to ensure future compliance; and

“(II) consider suspending or debarring the contractor or subcontractor until such time as the contractor or subcontractor has effectively addressed the issues that lead to such noncompliance.

“(11) SPECIALTY METAL DEFINED.—In this subsection, the term ‘specialty metal’ means any of the following:

“(A) Steel—

“(i) with a maximum alloy content exceeding one or more of the following limits: manganese, 1.65 percent; silicon, 0.60 percent; or copper, 0.60 percent; or

“(ii) containing more than 0.25 percent of any of the following elements: aluminum, chromium, cobalt, columbium, molybdenum, nickel, titanium, tungsten, or vanadium.

“(B) Metal alloys consisting of nickel, iron-nickel, and cobalt base alloys containing a total of other alloying metals (except iron) in excess of 10 percent.

“(C) Titanium and titanium alloys.

“(D) Zirconium and zirconium base alloys.

“(12) ADDITIONAL DEFINITIONS.—In this subsection:

“(A) The term ‘United States’ includes possessions of the United States.

“(B) The term ‘component’ has the meaning provided in section 105 of this title.

“(C) The term ‘acquisition’ has the meaning provided in section 131 of this title.

“(D) The term ‘required form’—

“(i) shall not apply to end items or to their components at any tier; and

“(ii) means in the form of mill product, such as bar, billet, wire, slab, plate or sheet, and in the grade appropriate for the production of—

“(I) a finished end item delivered to the executive agency; or

“(II) a finished component assembled into an end item delivered to the executive agency.

“(E) The term ‘commercially available off-the-shelf’ has the meaning provided in section 104 of this title.

“(F) The term ‘assemblies’ means items forming a portion of a system or subsystem that can be provisioned and replaced as an entity and which incorporates multiple, replaceable parts.

“(G) The term ‘commercial derivative military article’ means an item procured by the Department of Defense that is or will be produced using the same production facilities, a common supply chain, and the same or similar production processes that are used for the production of articles predominantly used by the general public or by nongovernmental entities for purposes other than governmental purposes.

“(H) The term ‘subsystem’ means a functional grouping of items that combine to perform a major function within an end item, such as electrical power, attitude control, and propulsion.

“(I) The term ‘end item’ means the final production product when assembled or completed, and ready for issue, delivery, or deployment.

“(J) The term ‘subcontract’ includes a subcontract at any tier.

“(c) USE OF UNITED STATES STEEL, IRON, ALUMINUM, AND MANUFACTURED PRODUCTS.—

“(1) IN GENERAL.—The head of an executive agency may not enter into a contract related to the construction of a vessel unless the steel, iron, aluminum, and manufactured products to be used in the construction of the vessel are produced in the United States.

“(2) EXCEPTIONS.—The provisions of paragraph (1) shall not apply where the head of an executive agency finds—

“(A) that their application would be inconsistent with the public interest;

“(B) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(C) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

“(3) IMPLEMENTATION OF EXCEPTIONS.—

“(A) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the authority to make a finding described in paragraph (2).

“(B) PUBLICATION.—Not later than 30 days after making a finding described in paragraph (2), the head of the agency shall publish in an easily identifiable location on the website of the agency information regarding the finding, including a detailed justification for the exception.

“(4) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has made an exception finding described in paragraph (2) in the fiscal year shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the total amount of exceptions used and detailed information regarding and justification for the exceptions.

“(5) CALCULATION OF COMPONENT COST.—For purposes of this subsection, in calculating components’ costs, labor costs involved in final assembly shall not be included in the calculation.

“(6) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

“(A) affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

“(B) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States; that person shall be debarred from contracting with the Federal Government for a period of not less than 5 years.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 4713 the following new item:

“4714. Domestic sourcing requirement for shipboard components.”.

#### SEC. 874. CONFORMING AMENDMENTS RELATED TO DEPARTMENT OF DEFENSE PROVISIONS.

(a) USE OF UNITED STATES STEEL, IRON, ALUMINUM, AND MANUFACTURED PRODUCTS.—

(1) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended by adding at the end the following new section:

#### “§2339b. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding

“(a) IN GENERAL.—The head of an agency may not enter into a contract related to the construction of a vessel unless the steel, iron, aluminum, and manufactured products

to be used in the construction of the vessel are produced in the United States.

“(b) EXCEPTIONS.—The provisions of subsection (a) shall not apply where the head of the agency finds—

“(1) that their application would be inconsistent with the public interest;

“(2) that such materials and products are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or

“(3) that inclusion of domestic material will increase the cost of the overall project contract by more than 25 percent.

“(c) IMPLEMENTATION OF EXCEPTIONS.—

“(1) NON-DELEGATION OF AUTHORITY.—The head of an agency may not delegate the authority to make a finding described in subsection (b).

“(2) PUBLICATION.—Not later than 30 days after making a finding described in subsection (b), the head of the agency shall publish in an easily identifiable location on the website of the agency information regarding the finding, including a detailed justification for the exception.

“(d) ANNUAL REPORT.—Not later than 180 days after the end of each fiscal year, the head of each executive agency that has made an exception finding described in subsection (b) in the fiscal year shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the total amount of exceptions used and detailed information regarding and justification for the exceptions.

“(e) CALCULATION OF COMPONENT COST.—For purposes of this section, in calculating components’ costs, labor costs involved in final assembly shall not be included in the calculation.

“(f) INTENTIONAL VIOLATIONS.—If it has been determined by a court or Federal agency that any person intentionally—

“(1) affixed a label bearing a ‘Made in America’ inscription, or any inscription with the same meaning, to any product used in projects to which this section applies, sold in or shipped to the United States that was not made in the United States; or

“(2) represented that any product used in projects to which this section applies, sold in or shipped to the United States that was not produced in the United States, was produced in the United States; that person shall be debarred from contracting with the Federal Government for a period of not less than 5 years.”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 2339a the following new item:

“2339b. Use of United States steel, iron, aluminum, and manufactured products in shipbuilding.”.

(b) MISCELLANEOUS LIMITATIONS ON THE PROCUREMENT OF GOODS OTHER THAN UNITED STATES GOODS.—

(1) IN GENERAL.—Section 2534(a)(3)(A) of title 10, United States Code, is amended by adding at the end the following new clauses:

“(iv) Auxiliary equipment, including pumps, for all shipboard services.

“(v) Propulsion system components (engines, reduction gears, and propellers).

“(vi) Shipboard cranes.

“(vii) Spreaders for shipboard cranes.

“(viii) Capstans.

“(ix) Winches.

“(x) Hoists.

“(xi) Outboard motors.

“(xii) Windlasses.”.

(2) APPLICABILITY OF PREVIOUSLY SUNSETTED PROVISIONS.—Subsection (c)(2)(C) of section 2534 of title 10, United States Code, is amended by striking “shall cease to be effective on October 1, 1996” and inserting “shall be in effect during—

“(i) the period beginning on the date of the enactment of this paragraph and ending on October 1, 1996; and

“(ii) the period beginning on the date of the enactment of the Made in America Shipbuilding Act of 2019.”.

#### SEC. 875. APPLICABILITY.

The requirements under this subtitle and the amendments made by this subtitle—

(1) apply to contracts entered into on or after the date of the enactment of this Act; and

(2) do not apply to—

(A) contracts entered into before the date of the enactment of this Act; or

(B) options included as part of such contracts as of such date of enactment.

**SA 767.** Ms. BALDWIN submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

#### SEC. \_\_\_\_ SBIR AND STTR PILOT PROGRAM FOR UNDERPERFORMING STATES.

Section 9 of the Small Business Act (15 U.S.C. 638) is amended by adding at the end the following:

“(vv) DEPARTMENT OF DEFENSE PILOT PROGRAM FOR UNDERPERFORMING STATES.—

“(1) DEFINITIONS.—In this section:

“(A) DEPARTMENT.—The term ‘Department’ means the Department of Defense.

“(B) UNDERPERFORMING STATE.—The term ‘underperforming State’ means any State participating in the SBIR or STTR program that is in the bottom 68 percent of all States historically receiving SBIR or STTR program funding.

“(2) ESTABLISHMENT.—The Secretary of Defense shall establish a pilot program to provide small business concerns located in underperforming States an increased level of assistance under the SBIR and STTR programs of the Department.

“(3) ACTIVITIES.—Under the pilot program, the Department, and any component agency thereof, may—

“(A) in any case in which the Department seeks to make a Phase II SBIR or STTR award to a small business concern located in an underperforming State based on the results of a Phase I award made to the small business concern by another agency, establish a streamlined transfer and fast track approval process for that Phase II award;

“(B) provide not more than 4 Phase II SBIR or STTR awards to a small business concern located in an underperforming State that received a single Phase I SBIR or STTR award;

“(C) allocate additional amounts to make awards under the SBIR and STTR programs of the Department to small business concerns located in underperforming States; and

“(D) establish a program to make Phase 1.5 SBIR or STTR awards to small business concerns located in underperforming States in order to provide funding for 12 to 24 months to continue the development of technology; and

“(E) carry out subparagraph (D) along with other mentorship programs, including the Regional SBIR State Collaborative Initiative Pilot Program.

“(4) DURATION.—The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

“(5) REPORT.—The Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in underperforming States.”.

**SA 768.** Mrs. FISCHER submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

#### SEC. 333. SENSE OF CONGRESS ON OPERATIONAL NEEDS OF THE AIR FORCE.

It is the sense of Congress that the Air Force requires a minimum of 386 operational squadrons to meet the requirements of the National Defense Strategy.

**SA 769.** Mr. CRUZ submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In subsection (c) of section 2912 of title 10, United States Code, as added by section 311(4), insert “, to include the implementation of technologies that convert natural gas into tactical fuels,” after “energy security”.

**SA 770.** Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B, of title II, add the following:

#### Sec. \_\_\_\_ . PLAN ON HYPERSONIC RESEARCH AND DEVELOPMENT.

The Committee remains concerned that more attention needs to be focused on the advancement of fundamental hypersonic science and technology research & development. To address these needs, the Committee believes the Defense Department should increase its efforts with the university research community, which has substantial capabilities in the technologies essential to further hypersonic developments.

Therefore, the Committee directs the Department to deliver a plan to the congressional defense committees 1 year after enactment of this legislation that: (1) identifies high priority research efforts, (2) identifies organizations designated to fund university hypersonic research, (3) describes a plan for partnerships with universities including establishing a consortium of willing participants, (4) develops a strategy for workforce development, acquisition program oversight, and basic research focus area and (5) provides

options for university experts to work in Department labs and test centers on hypersonics.

**SA 771.** Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title I, add the following:

**SEC. 155. INCREASED FUNDING FOR ISRAELI MISSILE DEFENSE.**

(a) **INCREASED FUNDING.**—The amount authorized to be appropriated by section 101 is hereby increased by \$100,000,000, with the amount of the increase to be available for Procurement, Defense-wide as specified in the funding table in section 4101 as follows: \$50,000,000 for Arrow 3 Upper Tier Systems and \$50,000,000 for Iron Dome.

(b) **OFFSETS.**—The amount authorized to be appropriated by section 103 is hereby reduced by \$100,000,000, with the amount of the reduction to be allocated in the funding table in section 4301 as follows:

(1) \$30,000,000 from Operation and Maintenance, Army, as follows:

(A) \$20,000,000 from Recruiting and Advertising.

(B) \$10,000,000 from Administration.

(2) \$31,000,000 from Operation and Maintenance, Navy, as follows:

(A) \$4,000,000 from Recruiting and Advertising.

(B) 27,000,000 from Administration.

(3) \$13,000,000 from Operation and Maintenance, Marine Corps, as follows:

(A) \$5,000,000 from Recruiting and Advertising.

(B) \$8,000,000 from Administration.

(4) \$24,500,000 from Operation and Maintenance, Air Force, as follows:

(A) \$4,000,000 from Recruiting and Advertising.

(B) \$20,500,000 from Administration.

(5) \$1,500,000 from Operation and Maintenance, Air Force Reserve, from the amount allocated for Administration.

**SA 772.** Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. \_\_\_\_\_. PLAN ON ADVANCEMENT OF FUNDAMENTAL HYPERSONIC SCIENCE AND TECHNOLOGY RESEARCH AND DEVELOPMENT.**

(a) **PLAN REQUIRED.**—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan to advance fundamental hypersonic science and technology research and development.

(b) **ELEMENTS.**—The plan submitted under subsection (a) shall include the following:

(1) Identification of high priority research efforts of the Department of Defense.

(2) Identification of organizations designated to fund university hypersonic research.

(3) A plan for partnerships with universities on matters relating to the advancement of fundamental hypersonic science and technology research and development, including by establishing a consortium of willing participants.

(4) Development of a strategy for workforce development, acquisition program oversight, and basic research focus areas.

(5) Options for university experts to work in Department labs and test centers on hypersonics.

**SA 773.** Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 811. REQUIREMENT TO USE MODELS OF COMMERCIAL E-COMMERCE PORTAL PROGRAM.**

(a) **IN GENERAL.**—Before the award of a final contract to a commercial e-commerce portal provider pursuant to section 846 of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 41 U.S.C. 1901 note), the Administrator of General Services shall establish a five-year program to test the three models for commercial e-commerce portals identified in section 4.1 of “Procurement Through Commercial E-Commerce Portals Phase II Report: Market Research & Consultation” issued by the Administrator in April 2019.

(b) **ANALYSIS.**—The Administrator shall conduct an analysis of the use of the three models described in subsection (a) to determine which model is the most effective for procurement through commercial e-commerce portals.

**SA 774.** Mr. PERDUE submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

**SEC. 811. LIMITATION ON COMMERCIAL PRODUCTS SOLD ON COMMERCIAL E-COMMERCE PORTALS.**

Section 846(e) of the National Defense Authorization Act for Fiscal Year 2018 (Public Law 115-91; 41 U.S.C. 1901 note) is amended—

(1) in the subsection heading, by striking “INFORMATION ON”; and

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

“(3) **LIMITATION.**—A commercial e-commerce portal provider awarded a contract pursuant to subsection (a) may not sell a commercial product manufactured or developed by such provider (or a subsidiary of such provider) on the commercial e-commerce portal of such provider.”.

**SA 775.** Mr. RUBIO submitted an amendment intended to be proposed to

amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title II, add the following:

**SEC. \_\_\_\_\_. LIMITATION ON AUTHORITY OF DIRECTOR OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO GRANT CERTAIN EXCLUSIVE RIGHTS RELATING TO CERTAIN INVENTIONS UNLESS THEY CAN BE ASSEMBLED IN UNITED STATES.**

Section 2371a of title 10, United States Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(a) **IN GENERAL.**—Subject to subsection (b), the Secretary”; and

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

“(b) **LIMITATION.**—(1) The Director of the Defense Advanced Research Projects Agency may not—

“(A) enter in cooperative research and development agreements for performance of basic, applied, or advanced research with any industrial organization or other person subject to the control of a foreign company or government; or

“(B) grant any person or entity the exclusive right to use, license, or sell any subject invention in the United States resulting from the performance of basic, applied, or advanced research unless such person or entity agrees that any final assembly and substantial manufacturing of the subject invention for use in the United States shall occur in the United States.

“(2) The Secretary of Defense may, on a case by case basis, waive the limitation in paragraph (1)(B) for the granting of an exclusive right described in such paragraph to a particular person or entity, if the Secretary, in coordination with the heads of such other agencies as the Secretary considers relevant, finds that—

“(A) reasonable but unsuccessful efforts have been made to grant such right on similar terms to a person or entity that would be likely to manufacture the subject invention substantially in the United States; or

“(B) under the circumstances, domestic manufacture of the subject invention is not commercially feasible.

“(3) Paragraph (1) shall not apply to any memorandum of understanding (or other formal agreement) under section 2350a of this title.

“(4) In this subsection, the term ‘subject invention’ has the meaning given such term in section 201 of title 35.”.

**SA 776.** Mr. PERDUE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title III, add the following:

**SEC. 342. REPORT ON AMOUNTS AVAILABLE FOR CONTRACTED SHIP MAINTENANCE.**

(a) IN GENERAL.—If amounts authorized to be appropriated for fiscal year 2020 for the Navy for private contracted ship maintenance are appropriated in the Other Procurement, Navy account, not later than 30 days after the end of each fiscal year, the Secretary of the Navy shall submit to the congressional defense committees a report on contracted ship maintenance conducted by the Secretary during such fiscal year.

(b) ELEMENTS.—The report required under subsection (a) shall include the following with respect to contracted ship maintenance included in the report:

- (1) The name and hull number of the ship.
- (2) The date of contract award.
- (3) The period of performance for the contract.
- (4) The contract type.
- (5) The amount of funding awarded for the contract at the time of contract award.
- (6) The maximum contract funding amount.
- (7) The projected and actual dates and amounts of contract funding obligations and expenditures.
- (8) The name and location of the contractor performing the maintenance.
- (9) The scope of contracted work.
- (10) A description of the effect on such maintenance activity of funds described in subsection (a) remaining available after September 30, 2020.
- (11) A general assessment of and related recommendations with respect to private contracted ship maintenance funds remaining available for more than one year.
- (12) Such other matters as the Secretary of the Navy considers appropriate.

**SA 777.** Mr. LANKFORD (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PROMOTING SECURITY AND JUSTICE FOR VICTIMS OF TERRORISM.**

(a) FACILITATION OF THE SETTLEMENT OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.—

(1) COMPREHENSIVE PROCESS TO FACILITATE THE RESOLUTION OF ANTI-TERRORISM ACT CLAIMS.—The Secretary of State, in consultation with the Attorney General, shall, not later than 30 days after the date of enactment of this Act, develop and initiate a comprehensive process for the Department of State to facilitate the resolution and settlement of covered claims.

(2) ELEMENTS OF COMPREHENSIVE PROCESS.—The comprehensive process developed under paragraph (1) shall include, at a minimum, the following:

(A) Not later than 45 days after the date of enactment of this Act, the Department of State shall publish a notice in the Federal Register identifying the method by which a national of the United States, or a representative of a national of the United States, who has a covered claim, may contact the Department of State to give notice of the covered claim.

(B) Not later than 120 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall

meet (and make every effort to continue to meet on a regular basis thereafter) with any national of the United States, or a representative of a national of the United States, who has a covered claim and has informed the Department of State of the covered claim using the method established pursuant to subparagraph (A) to discuss the status of the covered claim, including the status of any settlement discussions with the Palestinian Authority or the Palestine Liberation Organization.

(C) Not later than 180 days after the date of enactment of this Act, the Secretary of State, or a designee of the Secretary, shall make every effort to meet (and make every effort to continue to meet on a regular basis thereafter) with representatives of the Palestinian Authority and the Palestine Liberation Organization to discuss the covered claims identified pursuant to paragraph (1) and potential settlement of the covered claims.

(3) REPORT TO CONGRESS.—The Secretary of State shall, not later than 240 days after the date of enactment of this Act, and annually thereafter for 5 years, 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 a report describing activities that the Department of State has undertaken to comply with this section, including specific updates regarding subparagraphs (B) and (C) of paragraph (2).

(4) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) covered claims should be resolved in a manner that provides just compensation to the victims;

(B) covered claims should be resolved and settled in favor of the victim to the fullest extent possible and without subjecting victims to unnecessary or protracted litigation;

(C) the United States Government should take all practicable steps to facilitate the resolution and settlement of all covered claims, including engaging directly with the victims or their representatives and the Palestinian Authority and the Palestine Liberation Organization; and

(D) the United States Government should strongly urge the Palestinian Authority and the Palestine Liberation Organization to commit to good-faith negotiations to resolve and settle all covered claims.

(5) DEFINITION.—In this subsection, the term “covered claim” means any pending action by, or final judgment in favor of, a national of the United States, or any action by a national of the United States dismissed for lack of personal jurisdiction, under section 2333 of title 18, United States Code, against the Palestinian Authority or the Palestine Liberation Organization.

(b) JURISDICTIONAL AMENDMENTS TO FACILITATE RESOLUTION OF TERRORISM-RELATED CLAIMS OF NATIONALS OF THE UNITED STATES.—

(1) IN GENERAL.—Section 2334(e) of title 18, United States Code, is amended—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking “after the date that is 120 days after the date of enactment of this subsection, accepts” and inserting “after January 31, 2019, and except as provided in paragraph (3), enters into a new contract, grant, or other agreement, or expands the scope of or extends in any way an existing contract, grant, or other agreement, with the United States Government that obligates”;

(II) in clause (i), by adding “or” at the end;

(III) by striking clause (ii); and

(IV) by redesignating clause (iii) as clause (ii); and

(ii) by striking subparagraph (B) and inserting the following:

“(B)(i) after 15 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2020—

“(I) continues to maintain any office, headquarters, premises, or other facilities or establishments in the United States;

“(II) establishes or procures any office, headquarters, premises, or other facilities or establishments in the United States; or

“(III) conducts any activity while physically present in the United States on behalf of the Palestine Liberation Organization or the Palestinian Authority;

“(ii)(I) after 120 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2020, has not submitted a notice of withdrawal from all specialized agencies of the United Nations of which the defendant has the same standing as a member state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

“(II) after 2 years after the date of enactment of the National Defense Authorization Act for Fiscal Year 2020, has the same standing as a member state in the United Nations or any specialized agency thereof outside an agreement negotiated between Israel and the Palestinians; or

“(iii) after the date of enactment of this clause, makes, renews, promotes, or advances any application in order to obtain the same standing as a member state in the United Nations or any specialized agency thereof, or accepts such standing, outside an agreement negotiated between Israel and the Palestinians.”; and

(B) by adding at the end the following:

“(3) EXCEPTION FOR CERTAIN PAYMENTS AND ASSISTANCE.—In determining whether a defendant shall be deemed to have consented to personal jurisdiction under paragraph (1)(A), no court may consider any payment or assistance described in section 1004(b)(1) of the Taylor Force Act (22 U.S.C. 2378c-1(b)(1)).

“(4) EXCEPTION FOR CERTAIN ACTIVITIES AND LOCATIONS.—In determining whether a defendant shall be deemed to have consented to personal jurisdiction under paragraph (1)(B), no court may consider—

“(A) any office, headquarters, premises, or other facility or establishment used exclusively for the purpose of conducting official business of the United Nations;

“(B) any activity undertaken exclusively for the purpose of conducting official business of the United Nations;

“(C) any activity involving officials of the United States that the Secretary of State determines is in the national security interest of the United States if the Secretary reports to the appropriate congressional committees annually on the use of the authority under this subparagraph;

“(D) any activity undertaken exclusively for the purpose of meetings with officials of the United States or participation in training and related activities funded or arranged by the United States Government; or

“(E) any activity related to legal representation—

“(i) for matters related to activities described in this paragraph;

“(ii) for the purpose of adjudicating or resolving claims filed in courts of the United States; or

“(iii) to comply with this subsection.

“(5) SUSPENSION.—

“(A) IN GENERAL.—In determining whether a defendant shall be deemed to have consented to personal jurisdiction under this subsection, no court may consider assistance under paragraph (1)(A) if such assistance is obligated under any new contract, grant, or other agreement, or expansion of the scope

of or extension of an existing contract, grant, or other agreement with the United States Government during a period in which the Secretary of State, in consultation with the Attorney General, certifies in writing to the President pro tempore of the Senate and Speaker of the House of Representatives that—

“(i) all covered claims have been resolved and settled, or are proceeding toward settlement because the defendant is actively engaged in settlement discussions with victims who have covered claims; and

“(ii) any claims similar to those described in section [ ] National Defense Authorization Act for Fiscal Year 2020 and that have been filed after the date of enactment of this paragraph are proceeding toward settlement because the defendant is actively engaged in settlement discussions with victims who have such claims.

“(B) RECERTIFICATION.—A certification under this paragraph may be made for renewable periods of up to 1 year.

“(6) RULE OF CONSTRUCTION.—Notwithstanding any other law (including any treaty), any office, headquarters, premises, or other facility or establishment within the territory of the United States that is not specifically exempted by paragraph (4)(A) shall be considered to be in the United States for purposes of subclauses (I) and (II) of paragraph (1)(B)(i).

“(7) SUNSET.—Paragraph (1)(A) shall terminate on the date on which the Secretary of State, in consultation with the Attorney General, certifies in writing to the President pro tempore of the Senate and Speaker of the House of Representatives that—

“(A) all covered claims have been resolved and settled in a manner that is satisfactory to the parties; and

“(B) on or after the 2-year period beginning on the date of enactment of this paragraph, there are no similar claims under section 2333 against a defendant that—

“(i) were filed on or after the date of enactment of this paragraph; and

“(ii) that are pending.

“(8) DEFINITIONS.—In this subsection—

“(A) the term ‘covered claim’ has the meaning given the term in section [ ] National Defense Authorization Act for Fiscal Year 2020; and

“(B) term ‘defendant’ means—

“(i) the Palestinian Authority;

“(ii) the Palestine Liberation Organization;

“(iii) any organization or other entity that is a successor to or affiliated with the Palestinian Authority or the Palestine Liberation Organization; or

“(iv) any organization or other entity—

“(I) identified in clause (i), (ii), or (iii); and

“(II) that self-identifies as, holds itself out to be, or carries out conduct in the name of, the ‘State of Palestine’ or ‘Palestine’ in connection with official business of the United Nations.”.

(2) PRIOR CONSENT NOT ABROGATED.—The amendments made by this subsection shall not abrogate any consent deemed to have been given under section 2334(e) of title 18, United States Code, as in effect on the day before the date of enactment of this Act.

**SA 778.** Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII of the amendment, add the following:

**SEC. 811. REPORT ON CONTRACTOR DENIAL OF COST OR PRICING DATA REQUESTS.**

(a) IN GENERAL.—Not later than December 31, 2020, and annually thereafter, the Under Secretary of Defense for Acquisition and Sustainment shall submit to Congress a report on contractor denials of requests by contracting officers for cost or pricing data.

(b) ELEMENTS.—The report required under subsection (a) shall include a summary of each individual case in which a contracting officer was denied requested uncertified cost or pricing data, including the following information:

(1) The name of the offeror or contractor.

(2) The Commercial and Government entity code.

(3) The part number and National Stock Number (NSN).

(4) The number of requests that the contracting officer made to the offeror or contractor for uncertified cost or pricing data.

(5) The number of denials that the contracting officer received from the offeror or contractor regarding its submission of uncertified cost or pricing data.

(6) A description of the reason provided by the contractor for denial.

(7) Documentation in accordance with section 215.404-1(a)(i)(A)(v) of the Defense Federal Acquisition Regulation.

**SA 779.** Ms. MCSALLY submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SEC. 1086. SENSE OF CONGRESS REGARDING INCLUSION UNDER THE RADIATION EXPOSURE COMPENSATION ACT.**

It is the sense of Congress that the United States should compensate and recognize all of the workers, downwinders, and others suffering from the effects of exposure to atmospheric nuclear testing carried out during the Cold War. To that end, it is also the sense of Congress that section 4(b)(1)(C) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note; Public Law 101-426) should be amended by inserting “all acreage in any county all or part of which is located in” before “that part”.

**SA 780.** Mr. BROWN (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title III, add the following:

**SEC. 324. AGREEMENTS TO SHARE MONITORING DATA RELATING TO PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES AND OTHER CONTAMINANTS OF CONCERN.**

(a) IN GENERAL.—The Secretary of Defense shall enter into agreements with municipalities or municipal drinking water utilities located adjacent to military installations that are interested in entering into an agreement with the Secretary to share monitoring data relating to perfluoroalkyl substances, polyfluoroalkyl substances, and other emerging contaminants of concern collected at the military installation.

(b) MILITARY INSTALLATION DEFINED.—In this section, the term “military installation” has the meaning given that term in section 2801(c) of title 10, United States Code.

**SA 781.** Mr. KING (for himself, Mr. MENENDEZ, and Mrs. GILLIBRAND) submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

**SEC. 1262. RESTRICTIONS ON EXPORT OF SURVEILLANCE TECHNOLOGY AND RELATED SERVICES.**

(a) REQUIREMENT FOR A LICENSE TO EXPORT SERVICES RELATING TO BIOMETRIC INFORMATION SYSTEMS.—

(1) IN GENERAL.—Beginning on the date that is 180 days after the date of the enactment of this Act, the President shall require a license for the export of any training, advice, or installation, integration, support, or other services, related to a system—

(A) designed to identify, or verify the identity of, an individual using biometric information; or

(B) used to collect, store, search, or operate on biometric information.

(2) LIST REQUIRED.—Not later than one year after the date of the enactment of this Act, and annually thereafter, the President shall submit to the appropriate congressional committees a list of all licenses granted pursuant to paragraph (1) during the year preceding the submission of the report.

(b) RESTRICTION ON EXPORT OF SURVEILLANCE TECHNOLOGY TO CHINA.—Digital surveillance equipment, technology, or services may not be exported to the People's Republic of China unless, not less than 15 days before the export to the People's Republic of China of any such equipment, technology, or service, the President determines and certifies to the appropriate congressional committees that—

(1) the export of the equipment, technology, or service is not detrimental to United States industry;

(2) the export of the equipment, technology, or service, including any indirect benefit that could be derived from the export of the equipment, service, or technology, will not measurably improve the digital surveillance capabilities of the Government of the People's Republic of China; and

(3) the export of the equipment, technology, or service does not negatively affect the security of the United States.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—



(A) the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Banking, Housing, and Urban Affairs, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States or of any jurisdiction within the United States, including a foreign branch of such an entity.

**SEC. 1263. DISCLOSURES RELATING TO CONTRIBUTIONS TO SURVEILLANCE CAPABILITIES OF PEOPLE'S REPUBLIC OF CHINA.**

The Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) is amended by inserting after section 14B (15 U.S.C. 78n-2) the following:

**“SEC. 14C. DISCLOSURES RELATING TO CONTRIBUTIONS TO SURVEILLANCE CAPABILITIES OF PEOPLE'S REPUBLIC OF CHINA.**

“Not later than one year after the date of the enactment of this section, the Commission shall issue final rules to require each issuer, in the annual report of the issuer submitted under section 13 or section 15(d) or in the annual proxy statement of the issuer submitted under section 14(a)—

“(1) to certify that the issuer has not exported any equipment, technology, or service that could measurably improve the digital surveillance capabilities of the Government of the People's Republic of China, including through any indirect benefit that could be derived from the export of the equipment, service, or technology;

“(2) to disclose whether the issuer has willingly or unwillingly provided any training, advice, or installation, integration, support, or other services, related to a system—

“(A) designed to identify, or verify the identity of, an individual using biometric information; or

“(B) used to collect, store, search, or operate on biometric information; and

“(3) to include a strategy to assure that the issuer will not willingly or unwillingly provided any training, advice or installation, integration, support, or other services related to a system described in paragraph (2) that could measurably improve the digital surveillance capabilities of the Government of the People's Republic of China.”.

**SA 782.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title X, add the following:

**SEC. 1045. PROHIBITION ON OFFENSIVE COMBAT OPERATIONS AGAINST IRAN WITHOUT EXPRESS DECLARATION OF WAR OR AUTHORIZATION FOR USE OF MILITARY FORCE.**

No funds authorized to be appropriated for the Department of Defense by this Act may be used to conduct offensive combat operations against the Islamic Republic of Iran

except pursuant to a declaration of war made after the date of the enactment of this Act, or an authorization for use of military force enacted after that date, that expressly authorizes such combat operations.

**SA 783.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

**SEC. 12 \_\_\_\_ . PROHIBITION ON SUPPORT OR MILITARY PARTICIPATION AGAINST THE HOUTHI IN YEMEN.**

(a) PROHIBITION RELATING TO SUPPORT.—None of the funds authorized to be appropriated by this Act may be made available to provide United States support for Saudi-led or United Arab Emirates-led coalition forces against the Houthis in Yemen, including for any of the following:

(1) Intelligence sharing or logistical support activities for coalition airstrikes.

(2) Maintenance and spare parts transfers to warplanes engaged in anti-Houthi bombings.

(b) PROHIBITION RELATING TO MILITARY PARTICIPATION.—None of the funds authorized to be appropriated by this Act may be made available for any uniformed or non-uniformed member of the United States Armed Forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of the Saudi-led and United Arab Emirates-led coalition forces in hostilities against the Houthis in Yemen or in situations in which there exists an imminent threat that such coalition forces become engaged in such hostilities, unless and until the President has obtained specific statutory authorization, in accordance with section 8(a) of the War Powers Resolution (50 U.S.C. 1547(a)).

**SA 784.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 811. PROHIBITION ON CONTRACTS WITH CONTRACTORS COMPENSATING ANY EMPLOYEE AT A RATE HIGHER THAN THE SECRETARY OF DEFENSE.**

The Secretary of Defense may not enter into a contract for the procurement of property or services with a contractor that compensates any of its employees or officers more than \$210,700 per year.

**SA 785.** Mr. SANDERS submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal

year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title VIII, add the following:

**SEC. 811. OUTSOURCING PREVENTION.**

(a) SHORT TITLE.—This section may be cited as the “Defending American Jobs Act”.

(b) ELIGIBILITY FOR CONTRACT AWARD.—The Secretary of Defense may not enter into or renew a contract for the procurement of property or services unless the contractor certifies that, during the previous 5 years, the contractor has not outsourced a domestic operation or, in the case of an operation so outsourced, the contractor certifies that the operation has moved back to the United States.

(c) ANNUAL CERTIFICATION.—Beginning on the date that is one year after a contractor enters into a contract described under subsection (b), and annually thereafter for the duration of the contract, the contractor shall certify whether it has outsourced a domestic operation since entering into the contract.

(d) OUTSOURCING DEFINED.—In this section, the term “outsourcing”, with respect to a domestic operation, means a plant closing or mass layoff (as described in section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) in which the employment loss (excluding any part-time employees) for positions which will be moved to a country outside of the United States exceeds 50 employees.

**SA 786.** Mr. MENENDEZ submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

**SEC. 569. PILOT PROGRAM ON ONLINE APPLICATIONS FOR ASSISTANCE UNDER THE TRANSITION ASSISTANCE PROGRAM.**

(a) ESTABLISHMENT.—The Secretary of Defense, the Secretary of Veterans Affairs, and the Secretary of Labor shall jointly carry out a pilot program to establish a one-stop source for online applications for purposes of assisting members of the Armed Forces and veterans who are participating in the Transition Assistance Program (in this section referred to as “TAP”).

(b) DATA SOURCES.—The online applications shall, in part, aggregate existing data from government resources and the private sector under one Uniform Resource Locator (URL) for the purpose of assisting members of the Armed Forces and veterans participating in TAP.

(c) ELEMENTS FOR VETERANS AND MEMBERS OF THE ARMED FORCES.—

(1) The online applications shall be available as an application for mobile devices (including smartphones and tablets), with responsive design, updated no less than once per year, and downloadable from the two online application stores most commonly used in the United States.

(2) The version of the online applications accessible through a desktop or laptop computer shall be compatible with the most current versions of popular web browsers identified by the Secretaries.

(3) The online applications shall be accessible to individuals with disabilities in accordance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).



(4) The online applications shall generate, for each individual who uses the applications, a personalized transition data dashboard that includes the following information with regards to the locale in which the individual resides or intends to reside after separation from the Armed Forces:

(A) A current list of employment opportunities collected from employers.

(B) A current list of educational institutions.

(C) A current list of facilities of the Department of Veterans Affairs.

(D) A current list of local veterans service organizations.

(5) The dashboard under paragraph (4) shall include a list of benefits for which an individual as a veteran or separated member of the Armed Forces is eligible under the laws administered by the Secretaries, including educational assistance benefits.

(6) The dashboard under paragraph (4) shall keep track of the time remaining before the expiration of the following:

(A) Any civilian career certification waiver based on the military occupational specialty of the individual.

(B) Any active security clearance of the individual.

(7) The online applications shall, to the extent practicable, match all current military occupational specialties, cross-referenced by grade, to current industries and jobs.

(8) The online applications shall permit an individual to search jobs described in paragraph (4)(A) that match jobs described in paragraph (7).

(9) The online applications shall alert individuals of new job opportunities relevant to the individual, based on military occupational specialty, interest, and search criteria used by the individual under paragraph (8).

(10) The online applications shall permit an individual to maintain a history of job searches and submitted job applications.

(11) The online applications shall include a resume generator that is compliant with industry-standard applicant tracking systems.

(12) The online applications shall provide for career training through the use of learning management software, including training courses with a minimum of 100 soft skills and business courses.

(13) The online applications shall include a career mentorship system, allowing individuals to communicate through text, chat, video calling, and email, with mentors who can use the online applications to track the jobs mentees have applied for, the training mentees have undertaken, and any other appropriate mentorship matters.

(d) ELEMENTS FOR EMPLOYERS.—

(1) The online applications shall include a mechanism (to be known as a “military skills translator”) with which employers may identify military occupational specialties that align with jobs offered by the employers.

(2) The online applications shall include a mechanism with which employers may search for individuals seeking employment, based criteria including military occupational specialty, grade, education, civilian career category, and location.

(3) The online applications shall provide online training for employers regarding what military occupational specialties relate to what jobs.

(e) ADDITIONAL REQUIREMENTS.—

(1) CYBERSECURITY.—To ensure the information of individuals and employers is protected from breaches, the Secretaries shall implement cybersecurity measures for the online applications. These measures shall include the following:

(A) A security certificate produced by the online applications 1 that is updated each year of the pilot program.

(B) The online applications shall be hosted by a provider the Secretaries determine to be secure and reputable.

(C) Ensuring that the online applications have a live development team of dedicated engineers to address immediate concerns. No more than half of such team may be based outside the United States.

(D) Regular scans of the online applications, host, and server for vulnerabilities.

(E) The system must not have had a security breach within the last three years.

(2) SYSTEM STABILITY.—To ensure system stability and continuity, all elements of the online applications must pass testing no less than one year before the online applications are made available for use by individuals and employers.

(3) PRIOR PROVIDERS BARRED.—No entity that applies to become the provider of the online applications may have served as a contractor providing database management for TAP during the five years preceding such application.

(f) ASSESSMENTS.—

(1) INTERIM ASSESSMENTS.—Not later than the dates that are one and two years after the date of the commencement of the pilot program, the Secretaries shall jointly assess the pilot program.

(2) FINAL ASSESSMENT.—Not later than the date that is three years after the date of the commencement of the pilot program, the Secretaries shall jointly carry out a final assessment of the pilot program.

(3) PURPOSE.—The general objective of each assessment under this subsection shall be to determine if the online applications under the pilot program assist participants in TAP accomplish the goals of TAP, accounting for the individual profiles of participants, including military experience and geographic location.

(4) ELEMENTS.—Each assessment shall include the following:

(A) The aggregate number of profiles created on the online applications since the commencement of the pilot program.

(B) Demographic information on individuals who use the online applications.

(C) The average amount time individuals, employers, and community-based services providers, use the online applications each month, since the commencement of the pilot program.

(D) A ranking of most frequently-used features of the online applications

(E) A satisfaction survey of individuals who use the online applications during the periods of 30 days and 180 days after separation from the Armed Forces.

(F) A report regarding the attendance of members of the Armed Forces at online and in-person TAP classes.

(g) REPORT.—Not later than six months after completing the final assessment under subsection (f)(2), the Secretaries shall submit a report to Congress on its findings regarding the pilot program, including recommendations for legislation.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized be appropriated for fiscal year 2020 for the Department of Defense, \$4,500,000 to carry out this section.

**SA 787.** Ms. HIRONO (for herself and Mr. MENENDEZ) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle I of title VIII, add the following:

**SEC. 811. EXEMPTION OF CERTAIN CONSTRUCTION CONTACTS FROM THE PERIODIC INFLATION ADJUSTMENTS TO THE ACQUISITION-RELATED DOLLAR THRESHOLD.**

Subparagraph (B) of section 1908(b)(2) of title 41, United States Code, is amended by inserting “3131 to 3134,” after “sections”.

**SA 788.** Ms. HIRONO (for herself and Mr. GARDNER) submitted an amendment intended to be proposed by her to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of part II of subtitle F of title V, add the following:

**SEC. 582. INDEPENDENT STUDY AND REPORT ON MILITARY SPOUSE UNDEREMPLOYMENT.**

(a) INDEPENDENT STUDY.—Not later than 30 days after the date of the enactment of this Act, the Secretary of Defense shall seek to enter into a contract with a Federally funded research and development center to conduct a study on underemployment among military spouses. The study shall consider, at a minimum, the following:

(1) The prevalence of unemployment and underemployment among military spouses, including differences by Armed Force, region, State, education level, and income level.

(2) The causes of unemployment and underemployment among military spouses.

(3) The differences in unemployment and underemployment between military spouses and civilians.

(4) Barriers to small business ownership and entrepreneurship faced by military spouses.

(b) SUBMITTAL TO DoD.—Not later than 240 days after the date of the enactment of this Act, the Federally funded research and development center with which the Secretary contracts pursuant to subsection (a) shall submit to the Secretary a report containing the results of the study conducted pursuant to that subsection.

(c) TRANSMITTAL TO CONGRESS.—Not later than 270 days after the date of the enactment of this Act, the Secretary shall transmit to the appropriate committees of Congress the report under subsection (b), without change.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means the following—

(1) the Committee on Armed Services, the Committee on Health, Education, Labor, and Pensions, the Committee on Small Business and Entrepreneurship, and Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services, the Committee on Education and Labor, the Committee on Small Business, and Committee on Appropriations of the House of Representatives.

**SA 789.** Mr. MURPHY (for himself, Mr. BLUMENTHAL, and Mr. CORNYN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of

the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle D of title I of the amendment, add the following:

**SEC. 147. F-15EX PRODUCTION COST LIMITATIONS.**

(a) **LIMITATION ON TOTAL COST OF PRODUCTION.**—

(1) **PROCUREMENT.**—The total amount obligated or expended from funds appropriated or otherwise made available for Aircraft Procurement, Air Force or for any other procurement account, for the program designated as F-15EX may not exceed \$80,000,000 per aircraft.

(2) **DEFINITION OF COST PER AIRCRAFT.**—The cost per aircraft for purposes of paragraph (1) includes the airframe, mission equipment, sensors, and other government and contractor furnished equipment required for the aircraft to be used in combat operations.

(b) **CERTIFICATION REQUIRED.**—Prior to the obligation of funds exceeding \$50,000,000 for the F-15EX program, the Secretary of Defense shall certify to the congressional defense committees that the cost per aircraft will not exceed the amount specified in subsection (a), which is the amount the Department has informed the congressional defense committees is the proposed agreement for a fully combat capable aircraft.

(c) **ANNUAL COMPTROLLER GENERAL REVIEW.**—

(1) **IN GENERAL.**—Not later than March 15 of each year, the Comptroller General of the United States shall review the F-15EX aircraft program and submit to Congress a report on the results of the review.

(2) **ELEMENTS.**—Each report under paragraph (1) shall include, with respect to the F-15EX aircraft program, the following:

(A) An assessment of the acquisition strategy and cost to procure, operate, and support the aircraft.

(B) An assessment of the readiness of the technology improvements and integration of F-15EX.

(C) An assessment of the manufacturing processes for the F-15EX.

(D) An assessment of the readiness of the supply base and enterprise to produce 18-24 aircraft per year.

(E) An estimate of the organic investments required to sustain and support the F-15EX.

(d) **F-15EX PROGRAM DEFINED.**—In this section, the term “F-15EX program” means the F-15EX aircraft program of the Air Force as described in the materials submitted to Congress by the Secretary of Defense in support of the budget of the President for fiscal year 2020 (as submitted to Congress under section 1105(a) of title 31, United States Code).

**SA 790.** Mr. PETERS (for himself and Mr. PORTMAN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_ STATE AND LOCAL GOVERNMENT CYBERSECURITY.**

Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2201 (6 U.S.C. 651)—

(A) by redesignating paragraphs (4), (5), and (6) as paragraphs (5), (6), and (7), respectively; and

(B) by inserting after paragraph (3) the following:

“(4) **ENTITY.**—The term ‘entity’ shall include—

“(A) an association, corporation, whether for-profit or nonprofit, partnership, proprietorship, organization, institution, establishment, or individual, whether domestically or foreign owned, that has the legal capacity to enter into agreements or contracts, assume obligations, incur and pay debts, sue and be sued in its own right in a court of competent jurisdiction in the United States, and to be held responsible for its actions;

“(B) a governmental agency or other governmental entity, including State, local, Tribal, and territorial government entities; and

“(C) the general public.”; and

(2) in section 2202 (6 U.S.C. 652)—

(A) in subsection (c)—

(i) in paragraph (10), by striking “and” at the end;

(ii) by redesignating paragraph (11) as paragraph (12); and

(iii) by inserting after paragraph (10) the following:

“(11) carry out the authority of the Secretary under subsection (e)(1)(R); and”;

(B) in subsection (e)(1), by adding at the end the following:

“(R) To make grants to and enter into cooperative agreements or contracts with States, local governments, and other non-Federal entities as the Secretary determines necessary to carry out the responsibilities of the Secretary related to cybersecurity and infrastructure security under this Act and any other provision of law, including grants, cooperative agreements, and contracts that provide assistance and education related to cyber threat indicators, defensive measures and cybersecurity technologies, cybersecurity risks, incidents, analysis, and warnings.”; and

(3) in section 2209 (6 U.S.C. 659)—

(A) in subsection (c)(6), by inserting “operational and” after “timely”;

(B) in subsection (d)(1)(E), by inserting “, including an entity that collaborates with election officials,” after “governments”; and

(C) by adding at the end the following:

“(n) **COORDINATION ON CYBERSECURITY FOR FEDERAL AND NON-FEDERAL ENTITIES.**—

“(1) **COORDINATION.**—The Center shall, to the extent practicable, and in coordination as appropriate with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center—

“(A) conduct exercises with Federal and non-Federal entities;

“(B) provide operational and technical cybersecurity training related to cyber threat indicators, defensive measures, cybersecurity risks, and incidents to Federal and non-Federal entities to address cybersecurity risks or incidents, with or without reimbursement;

“(C) assist Federal and non-Federal entities, upon request, in sharing cyber threat indicators, defensive measures, cybersecurity risks, and incidents from and to the Federal Government as well as among Federal and non-Federal entities, in order to increase situational awareness and help prevent incidents;

“(D) provide notifications containing specific incident and malware information that

may affect them or their customers and residents;

“(E) provide and periodically update via a web portal and other means tools, products, resources, policies, guidelines, controls, and other cybersecurity standards and best practices and procedures related to information security;

“(F) work with senior Federal and non-Federal officials, including State and local Chief Information Officers, senior election officials, and through national associations, to coordinate a nationwide effort to ensure effective implementation of tools, products, resources, policies, guidelines, controls, and procedures related to information security to secure and ensure the resiliency of Federal and non-Federal information systems and including election systems;

“(G) provide, upon request, operational and technical assistance to Federal and non-Federal entities to implement tools, products, resources, policies, guidelines, controls, and procedures on information security, including by, as appropriate, deploying and sustaining cybersecurity technologies, such as an intrusion detection capability, to assist those Federal and non-Federal entities in detecting cybersecurity risks and incidents;

“(H) assist Federal and non-Federal entities in developing policies and procedures for coordinating vulnerability disclosures, to the extent practicable, consistent with international and national standards in the information technology industry;

“(I) ensure that Federal and non-Federal entities, as appropriate, are made aware of the tools, products, resources, policies, guidelines, controls, and procedures on information security developed by the Department and other appropriate Federal departments and agencies for ensuring the security and resiliency of civilian information systems; and

“(J) promote cybersecurity education and awareness through engagements with Federal and non-Federal entities.

“(o) **REPORT.**—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the status of cybersecurity measures that are in place, and any gaps that exist, in each State and in the largest urban areas of the United States.

“(p) **DEPLOYMENT OF ENHANCED CAPABILITIES.**—

“(1) **ESTABLISHMENT.**—Not later than 180 days after the date of enactment of this subsection, the Secretary may establish an initiative to enhance efforts to deploy technical or analytic capabilities or services that utilize classified cyber threat indicators or intelligence for the purpose of detecting or preventing malicious network traffic on unclassified non-Federal information systems.

“(2) **VOLUNTARY PARTICIPATION.**—Activities conducted under this subsection may only be carried out on a voluntary basis upon request of the non-Federal entity.

“(3) **REPORT.**—Not later than 1 year after the date on which the Secretary establishes the initiative under this subsection, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the initiative, which shall include—

“(A) the status of the initiative;

“(B) the rate of voluntary participation in the initiative;

“(C) the effectiveness of the initiative; and

“(D) recommendations for expanding the use of classified cyber threat indicators to protect non-Federal entities.”.

**SA 791.** Mr. WYDEN (for himself, Mr. RISCH, Mr. MERKLEY, Ms. COLLINS, Mr. CRAPO, and Mr. KING) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle H of title X, add the following:

**SECTION 108. DEFINITION OF RENEWABLE BIOMASS UNDER RENEWABLE FUEL PROGRAM.**

Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C. 7545(o)(1)(I)) is amended—

(1) by redesignating clauses (iii) through (vii) as clauses (v) through (ix), respectively; and

(2) by striking clause (ii) and inserting the following:

“(ii) Trees and tree residue from non-Federal land, including land belonging to an Indian tribe or an Indian individual that is held in trust by the United States or subject to a restriction against alienation imposed by the United States.

“(iii) Any secondary, residual materials generated from forest products manufacturing, including, but not limited to, sawdust, wood chips, shavings, bark, sanderdust, and trimmings, regardless of whether the source of primary materials is derived from Federal or non-Federal land.

“(iv) Biomass materials obtained from Federal land that—

“(I) are not harvested from old growth stands, unless the old growth stand is part of a science-based ecological restoration project authorized by the Secretary of Agriculture or the Secretary of the Interior, as applicable, that meets applicable protection and old growth enhancement objectives, as determined by the applicable Secretary;

“(II) are slash, precommercial thinnings, or derived from ecological restoration activities;

“(III) are harvested in a manner consistent with applicable Federal laws (including regulations) and land management plans; and

“(IV) are derived within—

“(aa) the wildland-urban interface (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)) from acreage included within a community wildfire protection plan (as so defined);

“(bb) a priority area on Federal land, as identified by the Secretary of Agriculture or the Secretary of the Interior, as applicable, in need of—

“(AA) ecological restoration;

“(BB) an authorized hazardous fuels reduction project under section 102 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6512); or

“(CC) a project carried out under section 602(d) of that Act (16 U.S.C. 6591a(d)); or

“(cc) an area identified as a priority area for wildfire threat in a State-wide assessment and State-wide strategy developed in accordance with section 2A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101a).”.

**SA 792.** Mr. SANDERS (for himself and Mr. GRASSLEY) submitted an

amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title X, add the following:

**SEC. 1008. DEPARTMENT OF DEFENSE SPENDING REDUCTIONS IN THE ABSENCE OF AN UNQUALIFIED AUDIT OPINION.**

If during any fiscal year after fiscal year 2024, the Secretary of Defense determines that a department, agency, or other element of the Department of Defense has not achieved an unqualified opinion on its full financial statements for the calendar year ending during such fiscal year—

(1) the amount available to such department, agency, or element for the fiscal year in which such determination is made shall be equal to—

(A) the amount otherwise authorized to be appropriated for such department, agency, or element for the fiscal year; minus

(B) the lesser of—

(i) an amount equal to 0.5 percent of the amount described in subparagraph (A); or

(ii) \$100,000,000;

(2) the amount unavailable to such department, agency, or element for that fiscal year pursuant to paragraph (1) shall be applied on a pro rata basis against each program, project, and activity of such department, agency, or element in that fiscal year; and

(3) the Secretary shall deposit in the general fund of the Treasury for purposes of deficit reduction all amounts unavailable to departments, agencies, and elements of the Department in the fiscal year pursuant to determinations made under paragraph (1).

**SA 793.** Mr. YOUNG submitted an amendment intended to be proposed by him to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title X, add the following:

**SEC. 1018. SENSE OF CONGRESS ON THE NAMING OF A DDG-51 CLASS VESSEL IN HONOR OF THE HONORABLE RICHARD G. LUGAR.**

It is the sense of Congress that the Secretary of the Navy should name the next unnamed vessel of the DDG-51 Flight III class of destroyer warship in honor of work and legacy of the Honorable Richard G. Lugar.

**SA 794.** Mr. WARNER (for himself, Mr. CORNYN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe

military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title XII, add the following:

**SEC. 1262. SENSE OF SENATE ON DEFENSE COOPERATION WITH INDIA.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States-India Defense Technology and Trade Initiative launched in 2012 to create opportunities for co-production and co-development.

(2) In June 2016, the United States designated India as a “Major Defense Partner”. Section 1292 of the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328; 22 U.S.C. 2751 note), relating to enhancing defense and security cooperation with India, requests that the Secretary of Defense and Secretary of State jointly take such actions as may be necessary to recognize India’s status as a major defense partner of the United States, consistent with the June 7, 2016, India-United States Joint Statement.

(3) On August 3, 2018, the Department of Commerce issued a rule, which enabled India to be moved to the Department of Commerce’s Strategic Trade Authorization Tier 1 license designation list, which enables greater availability for exports and re-exports to, and transfers within, India for articles under the Export Administration Regulations.

(4) The Asia Reassurance Initiative Act of 2018 (Public Law 115-409) recognizes the “vital role of the strategic partnership between the United States and India” and finds that the designation of India as a major defense partner “elevates defense trade and technology cooperation between the United States and India to a level commensurate with the closest allies and partners of the United States”.

(5) In September 2018, the United States and India signed the Communications Compatibility and Security Agreement (COMCASA) to facilitate interoperability and real-time secure information sharing.

(6) The United States and India are collaborating on maritime security, counterterrorism, counterterrorism, cybersecurity, and other shared security interests.

(7) United States-India bilateral defense trade and technology cooperation have significantly expanded over the past decade.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the strategic partnership between the United States and India has been strengthened through enhanced defense cooperation and continued diplomatic engagement based on shared democratic values and strategic interests;

(2) the United States should continue to work with India to reduce its dependence on Russian defense equipment and conventional weapons and develop alternative opportunities to procure strategic systems that are interoperable with United States systems and consistent with United States national security interests; and

(3) in order to advance the Major Defense Partnership designation, Congress should consider amending the Arms Export Control Act to enable India to undergo an expedited review process for the purchase of defense equipment.

**SA 795.** Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military

activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title III, add the following:

**SEC. 333. USE OF COST SAVINGS REALIZED FROM INTERGOVERNMENTAL SERVICES AGREEMENTS FOR INSTALLATION-SUPPORT SERVICES.**

(a) REQUIREMENT.—Section 2679 of title 10, United States Code, is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection (d):

“(d) USE OF COST SAVINGS REALIZED.—(1) With respect to a fiscal year in which cost savings are realized as a result of entering into an intergovernmental support agreement under this section for a military installation, the Secretary concerned shall make not less than 25 percent of the amount of such savings available for use by the commander of the installation solely for sustainment restoration and modernization requirements that have been approved by the major subordinate command or equivalent component.

“(2) Not less frequently than annually, the Secretary concerned shall certify to the congressional defense committee the amount of the cost savings achieved, the source and type of intergovernmental support agreement that achieved the savings, and the manner in which those savings were deployed, disaggregated by installation.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to fiscal year 2020 and each subsequent fiscal year.

**SA 796.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 320, insert after subsection (b) the following:

(c) LIMITATION ON CONSIDERATION OF EFFECTS OF GREENHOUSE GAS EMISSIONS.—In estimating anticipated adverse impacts under subsection (a)(2), the Secretary of Defense shall not consider the effects of greenhouse gas emissions.

**SA 797.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. PROHIBITION.**

The Secretary of Defense shall not conduct or support any research in which a human

embryo is intentionally created or modified to include a heritable genetic modification.

**SA 798.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 219.

**SA 799.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

In section 701, strike subsections (b) and (c) and insert the following:

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on January 1, 2020.

**SA 800.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1221.

**SA 801.** Mr. LEE submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 783, between lines 18 and 19, insert the following:

“(f) LIMITATION ON CONSIDERATION OF EFFECTS OF GREENHOUSE GAS EMISSIONS.—In developing and implementing military installation resilience plans under this section, the Secretary of Defense shall not consider the effects of greenhouse gas emissions.

“(g) CERTIFICATION.—Before implementing a military installation resilience plan under this section, the Secretary of the military department concerned shall certify to Congress that—

“(1) the best available science was used to inform the plan; and

“(2) all scientific and technical information relied upon to support the plan is spe-

cifically identified and publicly available in an online manner that is sufficient for independent analysis and substantial reproduction of research results.”.

**SA 802.** Mr. LEE (for himself and Mr. ROMNEY) submitted an amendment intended to be proposed to amendment SA 764 submitted by Mr. INHOFE and intended to be proposed to the bill S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. \_\_\_\_\_. LIMITATION ON THE EXTENSION OR ESTABLISHMENT OF NATIONAL MONUMENTS IN THE STATE OF UTAH.**

Section 320301(d) of title 54, United States Code, is amended—

(1) in the heading, by striking “WYOMING” and inserting “THE STATE OF WYOMING OR UTAH”; and

(2) by striking “Wyoming” and inserting “the State of Wyoming or Utah”.

**AUTHORITY FOR COMMITTEES TO MEET**

Mr. COTTON. Mr. President, I have 12 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

**COMMITTEE ON ARMED SERVICES**

The Committee on Armed Services and Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 2 p.m., to conduct a hearing.

**COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS**

The Committee on Environment and Public Works is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 9:30 a.m., to conduct a hearing on pending legislation and the following nominations: Robert Wallace, of Wyoming, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and William B. Kilbride, to be a Member of the Board of Directors of the Tennessee Valley Authority.

**COMMITTEE ON FOREIGN RELATIONS**

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 10:15 a.m., to conduct a hearing on the following nominations: Kelly Craft, of Kentucky, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Representative of the United States of America in the Security Council of the United Nations, and to



be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations.

COMMITTEE ON HOMELAND SECURITY AND  
GOVERNMENTAL AFFAIRS

The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 9:30 a.m., to conduct a hearing on pending legislation and the following nominations: Chad F. Wolf, of Virginia, to be Under Secretary for Strategy, Policy, and Plans, Jeffrey Byard, of Alabama, to be Administrator of the Federal Emergency Management Agency, and Troy D. Edgar, of California, to be Chief Financial Officer, all of the Department of Homeland Security, John McLeod Barger, of California, to be a Governor of the United States Postal Service, and B. Chad Bungard, of Maryland, to be a Member of the Merit Systems Protection Board.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON INDIAN AFFAIRS

The Committee on Indian Affairs is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 2:30 p.m., to conduct a hearing on pending legislation.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 10 a.m., to conduct a hearing.

COMMITTEE ON VETERANS' AFFAIRS

The Committee on Veterans' Affairs is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 2:30 p.m., to conduct a hearing.

COMMITTEE ON SMALL BUSINESS AND  
ENTREPRENEURSHIP

The Committee on Small Business and Entrepreneurship is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 2:30 p.m., to conduct a hearing.

SPECIAL COMMITTEE ON AGING

The Special Committee on Aging is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 9 a.m., to conduct a hearing.

SUBCOMMITTEE ON MANUFACTURING, TRADE,  
AND CONSUMER PROTECTION

The Subcommittee on Manufacturing, Trade, and Consumer Protection of the Committee on Commerce is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 10 a.m., to conduct a hearing.

SUBCOMMITTEE ON NATIONAL PARKS

The Subcommittee on National Parks of the Committee on the Energy and Natural Resources is authorized to meet during the session of the Senate on Wednesday, June 19, 2019, at 10 a.m., to conduct a hearing.

PRIVILEGES OF THE FLOOR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that my defense fellow, Jenny Tsao, and Pearson fellow, Anthony Pirnot, be given floor privileges for the remainder of the first session of the 116th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I ask unanimous consent that Jeremy Maginot, a Coast Guard fellow in my office, be granted privileges of the floor for the remainder of this Congress.

I also ask unanimous consent that another fellow in my office, Aminata Sy, be granted privileges of the floor until August 2, 2019.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I request unanimous consent to grant floor privileges for the duration of this consideration of the NDAA to Kyle Stewart, my defense fellow, and Jennifer Dougherty, the GAO detailee.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF ADOPTED  
RULEMAKING

U.S. CONGRESS, OFFICE OF  
CONGRESSIONAL WORKPLACE RIGHTS,  
June 19, 2019, Washington, DC.

Hon. CHARLES GRASSLEY,  
*President Pro Tempore, U.S. Senate,*  
Washington, DC.

DEAR MR. PRESIDENT: Section 303 of the Congressional Accountability Act of 1995 (CAA), 2 U.S.C. 1383, requires that, with regard to the amendment of the rules governing the procedures of the Office, the Executive Director "shall, subject to the approval of the Board [of Directors], adopt rules governing the procedures of the Office" and "[u]pon adopting rules . . . shall transmit notice of such action together with a copy of such rules to the Speaker of the House of Representatives and the President pro tempore of the Senate for publication in the Congressional Record on the first day of which both Houses are in session following such transmittal."

Having published a general notice of proposed rulemaking in the Congressional Record on April 9, 2019, provided a comment period of at least 30 days after publication of such notice, and obtained the approval of the Board of Directors for the adoption of these rules as required by sections 303(a) and (b) of the CAA, 2 U.S.C. 1383(a) and (b), I am transmitting the attached amendments to the Procedural Rules of the Office of Congressional Workplace Rights to the President Pro Tempore of the United States Senate for publication in the Senate section of the Congressional Record on the first day on which both Houses are in session following the receipt of this transmittal. In accordance with section 303(b) of the CAA, these amendments to the Procedural Rules shall be considered issued by the Executive Director and in effect as of the date on which they are published in the Congressional Record. Any inquiries regarding this notice should be addressed to Susan Tsui Grundmann, Executive Director of the Office of Congressional Workplace Rights, Room LA-200, 110 2nd Street, SE, Washington, DC 20540.

Sincerely,

SUSAN TSUI GRUNDMANN,  
*Executive Director,*

*Office of Congressional Workplace Rights.*

FROM THE EXECUTIVE DIRECTOR OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS: NOTICE OF ADOPTED RULEMAKING, AS REQUIRED BY 2 U.S.C. 1383, THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995, AS AMENDED

**Introductory Statement**

On April 9, 2019, a Notice of Proposed Rulemaking concerning the Procedural Rules of the Office of Congressional Workplace Rights (OCWR) was published in the Congressional Record at S2334 and H3200. As required under the Congressional Accountability Act of 1995 at section 303(b) (2 U.S.C. 1383(b)), a 30-day period for comments from interested parties followed. In response to the Notice of Proposed Rulemaking, the OCWR received a number of comments regarding the proposed amendments. Specifically, the Office received comments from the House Committee on Ethics, the House Office of Employee Advocacy, the Office of House Employment Counsel, the Architect of the Capitol, the Library of Congress, the U.S. Capitol Police, the Fraternal Order of Police/U.S. Capitol Police Labor Committee, District Council 20 of the American Federation of State, County, and Municipal Employees, AFL-CIO, the U.S. Senate Disbursing Office, and the U.S. Senate Chief Counsel for Employment.

The Executive Director and the Board of Directors of the OCWR, having reviewed all comments received regarding the Notice, and having made certain additional changes to the proposed amendments in response thereto, now issue the final Procedural Rules as authorized by section 303(b) of the Act, which states in part: "Rules shall be considered issued by the Executive Director as of the date on which they are published in the Congressional Record." 2 U.S.C. 1383(b). These Procedural Rules of the Office of Congressional Workplace Rights may be found on the Office's web site: [www.ocwr.gov](http://www.ocwr.gov).

**Supplementary Information**

The Congressional Accountability Act of 1995 (CAA or the Act), Pub. L. No. 104-1, was enacted into law on January 23, 1995. The CAA applies the rights and protections of 13 federal labor and employment statutes to covered employees and employing offices within the legislative branch of the federal government. Section 301 of the CAA (2 U.S.C. 1381) establishes the OCWR as an independent office within that branch. Section 303 of the CAA (2 U.S.C. 1383) directs the Executive Director, as Chief Operating Officer, to adopt rules of procedure governing the OCWR, subject to approval by the Board of Directors of the Office. The OCWR Rules of Procedure establish the process by which alleged violations of the 13 laws made applicable to the legislative branch under the CAA are considered and resolved.

On December 21, 2018, the Congressional Accountability Act of 1995 Reform Act (CAARA or Reform Act) was signed into law. (Pub. L. No. 115-397). The new law reflects the first set of comprehensive reforms to the CAA since 1995. Among other reforms, the Reform Act substantially modifies the administrative dispute resolution (ADR) process under the CAA, including: providing for preliminary hearing officer review of claims; requiring current and former Members of Congress to reimburse awards or settlement payments resulting from harassment or retaliation claims; requiring certain employing offices to reimburse payments resulting from specified claims of discrimination; and appointing advisers to provide confidential information to legislative branch employees about their rights under the CAA. Most changes to the ADR process will be effective on June 19, 2019—i.e., upon the expiration of the 180-day period which begins on the date of enactment of the Reform Act.

The OCWR's responses to and discussion of the comments are presented below:

#### General Comments

Several commenters highlighted typographical errors in the proposed Procedural Rules, and we corrected those along with any typographical errors we identified ourselves. We appreciate the close and thorough review conducted by these commenters.

Many of the comments suggested modifications to the language of the proposed Procedural Rules that would clarify the Rules rather than make substantive changes. To the extent we agreed that those clarifications were warranted, they appear in the final Procedural Rules.

We received some suggestions regarding the existing Procedural Rules that the Board has not proposed to amend, or that were subject to nomenclature changes only without any substantive revisions. Although the Board always appreciates feedback regarding ways to improve OCWR procedures, those Procedural Rules have already been subject to the notice and comment procedures set forth at section 303 of the Act. To the extent that comments received in May 2019 pertain to provisions in the Rules that have not changed in response to the Reform Act, those comments are untimely. However, some of these comments noted typographical errors or suggested alterations for the purpose of clarity, and to the extent that we agreed that those edits were warranted, they appear in the final Procedural Rules.

We received a suggestion that the references to the sections of the CAA be changed to refer to the corresponding sections of the U.S. Code instead. The Board declines to alter its longstanding practice of referencing the section numbers of the Act rather than the provisions of the U.S. Code, but for easier reference we will include a table of the Act sections and corresponding U.S. Code provisions at the beginning of the printed version of the Procedural Rules and the version that appears on the Office's web site.

One commenter expressed a general concern that some of the proposed Rules could prevent or inhibit the Congressional ethics committees from obtaining information they need to investigate alleged violations of workplace rights and other misconduct by Members of Congress and staff. The Procedural Rules related to confidentiality, disclosures, and referral reflect the requirements of the Act, and the Board declines to expand upon those statutory requirements. However, the Office will work with the ethics committees to establish procedures for providing information necessary for those committees to fulfill their obligations, consistent with the requirements of the Act and in a manner that will ensure secure transmittal. We also note that certain internal processes of the Office are outside the scope of the Procedural Rules, but that the Office will comply with the reporting requirements of the Act whether or not they are specifically addressed in the Rules.

Several commenters offered suggestions about the content of the claim form as defined in section 1.02(e) of the Rules. We have taken these comments into consideration in preparing the claim form to be used for claims filed on or after June 19, 2019, which is available at [www.ocwr.gov](http://www.ocwr.gov).

One commenter asked the Board to explicitly affirm that it will continue to follow its own existing precedent except to the extent that the Reform Act may require deviation from that existing precedent. The Board does not intend to change its approach to considering and applying legal precedent, but it is the Board's view that the Procedural Rules are not the appropriate forum in which to

address this subject, and the Board therefore declines to adopt the commenter's suggestion.

One commenter pointed out that the reimbursement requirements of the Act at section 415 may be expanded by rules of the Senate or the House of Representatives. We have added language where appropriate to account for those potentially broader requirements, including with respect to notification of Members who may have the right to intervene. The Board declines, however, to adopt the commenter's suggestion to require Merits Hearing Officers to make specific findings regarding violations and reimbursement pursuant to the additional requirements imposed by such expanded rules. The Board views such decisions as beyond the jurisdiction conferred by the Act upon the OCWR and its appointed Hearing Officers.

Multiple commenters suggested imposing specific time frames for various actions by the OCWR, by Mediators, or by Hearing Officers. Where such deadlines are feasible and would further the purposes of the Act, we have modified the proposed Rules to include them. However, with respect to mediation and administrative hearings, in the Board's experience such deadlines are best established by Mediators and Hearing Officers in consultation with the parties on a case-by-case basis.

One commenter suggested adding details to the Procedural Rules regarding the process Members must follow in order to intervene. We have added language to the Rules specifying that Members will be notified of their right to intervene, as well as the method for doing so, at three points in the process: when a claim form is filed that contains allegations of violations described in section 415(d)(1)(C) of the Act committed personally by a Member; when mediation has been requested with respect to a claim containing such allegations; and when an administrative hearing has been requested with respect to a claim containing such allegations. However, the Board has determined that the specific procedures for intervening will be set forth in the notification itself rather than in these Rules.

One commenter also requested that the rights and duties of intervenor Members in OCWR proceedings be more clearly delineated. We agree, and various provisions throughout the Rules have been modified where appropriate to make clear whether they apply to intervenor Members.

#### Subpart A—General Provisions

Several commenters requested that we change or clarify the use of the terms "claim" and "claim form." The CAARA uses the term "claim" when referring to the filing a covered employee must make to initiate dispute resolution proceedings—indeed, Congress deliberately replaced the term "complaint" with the term "claim" in passing the CAARA—and the Board has decided to follow the statutory language. The Board therefore declines to revert to the term "complaint" or to replace the statutory term "claim" with another term not used in the statute, such as the suggested alternative "alleged violation." However, we have made modifications to the Rules where appropriate to make clear that a "claim" is an allegation of a violation of sections 102(c) or 201-207 of the Act, and a "claim form" is the document filed to initiate proceedings with the Office in cases that allege violations of sections 102(c) or 201-207 of the Act. A claim form may contain one or more claims—in other words, it may contain allegations of more than one violation of the Act.

One commenter correctly pointed out that the definition of "covered employee" omitted employees of the Office of Technology

Assessment. That error has been corrected, and the numbering of subparagraphs in section 1.02(m) has been adjusted accordingly.

A few commenters suggested adding to the definition of "party" a list of the specific statutory provisions that allow intervention. Because there are different types of proceedings under the Act that allow intervention for various reasons, and because the Rules allow intervention in circumstances beyond those explicitly listed in the Act (i.e., when a House or Senate rule requires reimbursement by a Member for conduct beyond that described in section 415(d)(1)(C) of the Act), the Board has declined to modify the definition of "party" in the manner suggested, as such a definition would be overly restrictive.

For clarification purposes, a definition of the term "Mediator" has been added at section 1.02(gg) of the Rules. The numbering of the definitions that follow in section 1.02 has been revised accordingly.

Upon further consideration of the filing requirements, a minimum font size of 12-point has been added to section 1.04(d) to clarify the size limitations for briefs, motions, responses, and supporting memoranda filed with the Office.

One commenter pointed out that covered employees who participate in confidential advising before becoming "parties" to a proceeding should be explicitly covered by the confidentiality provisions of the Rules. We agree, and have added covered employees to the definition of "participant" in section 1.08(b).

One commenter suggested adding an exception to the confidentiality provisions of the Rules for disclosures made between a party and that party's representative. We agree, and language has been added to section 1.08(d) to make clear that parties are not prohibited from disclosing confidential information to their designated representatives, or vice versa.

One commenter suggested adding exceptions to section 1.08(d) that would allow for the disclosure of confidential information in certain circumstances, including when required by law, compelled by legal process, or requested in conjunction with a criminal or security clearance investigation. The Board declines to add these exceptions; should such circumstances arise, Merits Hearing Officers or the Board will address them on a case-by-case basis.

#### Subpart D—Claims Procedures Applicable to Consideration of Alleged Violations of Sections 102(c) and 201-207 of the Congressional Accountability Act of 1995, as Amended by the CAA Reform Act of 2018

Several commenters suggested adding details regarding the scope of the Confidential Advisor's role in section 4.03 of the Proposed Rules. Because the Act specifically sets forth the parameters of the Confidential Advisor's role, the Board declines to depart from the language of the statute.

One commenter suggested requiring the Confidential Advisor to offer services regarding one of the employing offices' employee assistance programs. The Board declines to expand the scope of the Confidential Advisor's services set forth in the Procedural Rules to include providing this type of information. Different employing offices may have their own employee assistance or counseling programs, and those programs may change over time; moreover, as already noted, the Act specifically sets forth the parameters of the Confidential Advisor's role. We note, however, that the OCWR's longstanding practice has been to provide employees with information concerning such programs, and it will continue to do so as appropriate.

Two commenters included suggestions regarding the oversight of the Confidential Advisor. The Board declines to revise the Procedural Rules in this regard, and notes that the Confidential Advisor is appointed by the Executive Director of the OCWR and will be subject to the Executive Director's oversight.

One commenter noted that the language in section 4.03(c)(5) of the Proposed Rules referenced a "complaint" with the Congressional ethics committees, whereas the term "complaint" in the context of those committees' investigations may have a narrower meaning than intended by the proposed Procedural Rule. We agree, and have changed the language of this provision accordingly.

Several commenters raised questions or concerns about section 4.03(d), regarding privilege and confidentiality. This provision follows from the directive in the Act that the Confidential Advisor's services are to be provided "on a privileged and confidential basis." In response to the comments, we have modified the language in the proposed Rule to remove language that would have defined the contours of this statutorily-created privilege in a way that, in the Board's view, would be more appropriately developed in the context of specific proceedings before Hearing Officers and the Board.

One commenter suggested removal of the words "or the claimant's representative" in section 4.04(c), with respect to who may sign a claim form under oath or affirmation. We agree that the claim form should be signed by the claimant, and have modified the language accordingly. The same commenter suggested that claimants who have designated representatives should not be required to provide their own contact information, but the Board chooses to maintain its longstanding practice of requiring contact information for all claimants regardless of representation.

One commenter suggested adding a subparagraph to section 4.04(c) of the proposed Rules that would require the claim form to specify whether the challenged conduct meets the criteria set forth in section 415(d) of the Act. The Board has elected to leave this determination to the OCWR as part of its internal process for claim intake, rather than assign it to the claimant.

One commenter suggested adding information to section 4.05(b) regarding the exceptions to the 70-day deadline for filing a civil action after a claim form is filed. These exceptions were described in other sections of the proposed Procedural Rules concerning preliminary review and mediation, but we agree that they should be included here as well, and we have added clarifying language to this subsection accordingly.

We received a comment that the OCWR should notify employing offices immediately upon receipt of notification that a claimant has filed a civil action in federal district court. The Board declines to include such a requirement in the Procedural Rules, although as a practical matter the OCWR will endeavor to notify employing offices, as well as any intervening Members or Members who have not exercised their right to intervene, without undue delay. In order to make this practice more feasible and effective, the Board has modified section 4.05(d) of the Procedural Rules to change the time frame for claimants to notify the OCWR from 10 days to 3 days after filing a civil action.

Some commenters offered suggestions for how individual Members should receive notifications required by the Act. The Board prefers to work with the Senate and the House of Representatives to devise a method of identifying points of contact and providing notifications, rather than providing for this in the Procedural Rules. One commenter also

suggested that the notification should inform the Member of not only the right to intervene, but also the procedures for doing so; we agree, and sections dealing with Member notification now include language to that effect.

One commenter correctly pointed out that the special rule referenced in section 4.06(d) applies only to employees of the Architect of the Capitol and the U.S. Capitol Police, not the Library of Congress. We have removed the references to the Library of Congress from this subsection.

The proposed section 4.07(d) required immediate notification of a Member with a right to intervene whenever mediation is requested. Upon further review of the requirements of the Act, the Board has changed the word "immediately" to "promptly."

One commenter noted that only claimants and respondents, not intervening Members, have the statutory right to request an extension of the mediation period. We agree, and have modified the language of section 4.07(f)(2) accordingly.

Several commenters pointed out that because mediation is voluntary, the mediator lacks the authority to require the physical presence of any party. We agree, and have changed the language of section 4.07(i) from "required" to "requested."

One commenter noted an inconsistency between section 4.07(j) of the proposed Rules, which referenced both informal resolutions and formal settlements during the mediation period, and section 9.03(a) of the proposed Rules, which concerned informal resolution before a covered employee files a claim form. Because references to informal resolution have been removed from section 9.03 for the reasons discussed below, the inconsistency noted by the commenter no longer exists. The Rules no longer address resolutions achieved prior to the filing of a claim form; all settlements reached between the parties after a claim form is filed, including during mediation, must satisfy the requirements of section 414 of the Act and section 9.03 of these Rules.

One commenter suggested adding a requirement that any alleged confidentiality violation must be raised to the Mediator during the mediation period. This is not required by the statute, and the Board declines to add such a requirement because it would be overly restrictive.

One commenter suggested including additional exceptions to confidentiality under section 4.07(n) of the proposed Rules. While we agree that there might be other exceptions to confidentiality, the intent of this subparagraph was to direct the parties to the exceptions expressly set forth in the statute itself.

Several commenters requested that the Board include in the Procedural Rules the qualifications required for Preliminary Hearing Officers and Merits Hearing Officers. The Board declines to do so. The Board notes that the statute at section 405(c) already contains a requirement that the Executive Director must develop master lists from which all Hearing Officers must be selected for appointment, and sets forth the qualifications that individuals must possess in order to be included on those lists.

Proposed section 4.08(b) was originally modeled on the existing Procedural Rule governing the disqualification of a Hearing Officer. Upon further consideration of the purpose and scope of the preliminary review, the Board has determined that requests to disqualify a Preliminary Hearing Officer should be made to the Executive Director of the Office rather than in the form of a motion to the Preliminary Hearing Officer. Sections 4.08(b)(2) and (b)(3) have been revised accordingly. Additionally, one commenter

suggested adding a provision requiring prompt notification of the parties once a Preliminary Hearing Officer is appointed. We agree, and have added such a provision to section 4.08(a).

Several commenters suggested that the Procedural Rules should specifically state that in conducting the preliminary review pursuant to section 403 of the Act, the Preliminary Hearing Officer must apply the same standard during preliminary review that federal courts apply under Federal Rule of Civil Procedure 12(b)(6). Although some of the language in section 403(b)(6) of the Act also appears in FRCP 12(b)(6), the Act specifically directs the Preliminary Hearing Officer to make the determination whether the claimant is a covered employee who has stated a claim upon which relief can be granted "on the basis of the assessments made under paragraphs (1) through (5)" of section 403(b). In light of the foregoing, and in consideration of the purpose of the preliminary review—i.e., to determine whether a claimant may proceed to an administrative hearing or must pursue his or her claims in federal court—the Board declines to adopt a standard equivalent to that of FRCP 12(b)(6) for the preliminary review of claim forms. We note, however, that the Board has long applied a 12(b)(6) standard in considering motions to dismiss; under these Procedural Rules, should a claimant proceed to an administrative hearing, the parties will continue to have a full and fair opportunity to litigate over whether the claimant has satisfied the FRCP 12(b)(6) pleading standard.

We received a variety of comments regarding whether amendments to the claim form should be permitted during the preliminary review stage. The Board considered those comments, as well as the purpose and scope of preliminary review, and determined that no prejudice or undue delay would result from adopting the suggestion made by one commenter that claimants be allowed one amendment as of right within 15 days of the initial filing. Section 4.08(d) has been revised accordingly. Section 4.08(e)(1) has also been revised to provide that the Preliminary Hearing Officer must not issue the preliminary review report until at least 20 days after the claim form is filed, to ensure that the report is not issued before the deadline for submitting an amended claim form has passed.

Several commenters suggested adding provisions for answers, motions, and/or discovery before the Preliminary Hearing Officer. The Board does not believe that allowing additional pleadings, motions, or discovery during this stage would be consistent with the limited purpose of preliminary review, which is to determine whether a claimant may proceed to an administrative hearing or must pursue his or her claims in federal court. There is no indication in the statute that Congress intended for the preliminary review by a Preliminary Hearing Officer and subsequent administrative proceedings before a Merits Hearing Officer to be duplicative processes requiring the parties to litigate the same matter twice.

One commenter suggested that the Preliminary Hearing Officer's determinations should be appealable to the Board. The statute does not grant the Board authority to review the Preliminary Hearing Officer's determinations, and therefore the Board declines to adopt that suggestion. Moreover, nothing in the Act would permit the Board to toll the time limit for filing a civil action pending the outcome of such an appeal to the Board. Section 4.08(e)(5) has been added to clarify that the preliminary review report is not subject to appellate review by the Merits Hearing Officer or the Board.

Another commenter suggested adding a provision to the effect that the Preliminary



Hearing Officer's report has no evidentiary weight or preclusive effect on subsequent administrative proceedings before a Merits Hearing Officer. We agree, and we have added a subparagraph designated 4.08(e)(4) to incorporate that provision. It is the Board's view that the limited purpose of the preliminary review is to determine whether a claimant may request an administrative hearing pursuant to section 405(a) of the Act.

We received numerous comments suggesting that claimants should not be allowed to pursue some claims through the OCWR administrative process while pursuing others in federal district court. We agree that bifurcation of claims in such a manner is not practicable, efficient, or consistent with the CAARA. One commenter suggested that if some claims on a claim form pass the preliminary review but others do not, then a claimant should be required to waive those claims that did not pass preliminary review in order to pursue an administrative hearing on those claims that did; most commenters took the view that as long as a claimant has succeeded at the preliminary review stage on at least one claim, then the claimant should be allowed to request an administrative hearing on all claims asserted in the claim form. The Board agrees that as long as the Preliminary Review Officer determines that the claimant is a covered employee who has stated at least one claim for which relief may be granted under the Act, then the employee may request a hearing on all claims asserted in the claim form, and the parties will be afforded a full and fair opportunity to litigate those claims before the Merits Hearing Officer. Accordingly, a new provision has been added to clarify the effect of a Preliminary Hearing Officer's determination that a claimant is a covered employee who has stated at least one claim for which relief may be granted; that provision appears at section 4.08(f) of the Rules, and the numbering of the following subparagraphs in section 4.08 has been revised accordingly.

A paragraph has been added at section 4.09(c) providing for notification of employing offices and Members who have the right to intervene regarding the filing of a request for administrative hearing. Subsequent paragraphs in section 4.09 have been renumbered accordingly.

The proposed Procedural Rules did not address motions to amend claim forms after the filing of a request for an administrative hearing. A provision has been added regarding amendments, and appears at section 4.09(e) of the Rules. Subsequent paragraphs in section 4.09 have been renumbered accordingly.

Several commenters opposed the provision in the proposed Procedural Rules that would reduce the time period for a respondent to file an answer from 15 days to 10 days. Upon further consideration, the Board agrees with these commenters. The provision for answers to claim forms, which is now located at section 4.09(f) of the Rules, has been amended to reflect the 15-day deadline. Section 5.01(f) has also been amended to reflect a 15-day deadline for respondents to submit answers to complaints filed by the General Counsel. Additionally, in response to a comment, the language of section 4.09(f) has been modified to reflect that the 15-day period begins to run as of the date that the respondent is notified of the filing of the request for a hearing, not the date that the request is filed.

A few commenters suggested that the filing of a motion to dismiss should stay the time period for filing an answer. The Board feels that this determination should be left to the discretion of the Merits Hearing Officer. Accordingly, language from the proposed Rules stating that the filing of a motion to dismiss does not stay the time period for fil-

ing an answer has been removed. Corresponding language has also been removed from section 5.01(f).

Multiple commenters suggested that the Procedural Rules specifically allow for respondents to state in an answer that they lack sufficient knowledge to admit or deny specific allegations, and that such a statement should constitute a denial. We agree, and have added language to that effect in section 4.09(f)(2). Corresponding language has also been added to section 5.01(f)(2).

For purposes of clarification, especially in light of the many comments we received regarding the standard for preliminary review, we have added provisions under section 4.10 to make clear that the Merits Hearing Officer may dismiss claims for reasons equivalent to those specified in Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). These provisions parallel the provisions regarding dismissal of complaints filed by the General Counsel under section 5.03 of the Rules.

Several commenters raised questions about the language in section 4.10(b) of the proposed Rules regarding motions to dismiss being treated as motions for summary judgment. The language of that section has been modified and moved to section 4.09(a) to clarify that motions to dismiss will be treated as motions for summary judgment if matters outside the pleadings are considered. New sections have been added to clarify that parties still have the option to file motions to dismiss and the Merits Hearing Officer has the authority to dismiss claims based on the allegations set forth in the claim form, prior to engaging in discovery; those provisions are located at sections 4.09(g) and 4.10(a)–(b), and subsequent paragraphs under section 4.10 have been renumbered accordingly. Section 5.01(g), concerning motions to dismiss complaints filed by the General Counsel, has been updated in the same manner.

One commenter suggested that section 4.10(e) of the proposed Rules, which concerned the withdrawal of a representative after an administrative hearing has been requested, should be moved to section 1.07(c), which covers designation of representatives. We agree, and have modified those sections accordingly.

#### **Subpart F—Discovery and Subpoenas**

Several commenters observed that the proposed Rules at section 6.01(a) retained a discovery standard from an outdated version of the Federal Rules of Civil Procedure that permitted discovery of nonprivileged information “reasonably calculated to lead to the discovery of admissible evidence.” The commenters suggested that, because OCWR Hearing Officers frequently rely on case law interpreting the Federal Rules when resolving discovery disputes under the CAA, section 6.01(a) should be updated to reflect the current standard under Rule 26(b) which, among other things, requires discovery requests to be relevant and proportional to the needs of the case. We agree, and have revised section 6.01(a) accordingly.

The Board declines, however, to further amend the Procedural Rules to incorporate specific timeframes or limits on the forms or extent of discovery, or to more closely align discovery under the Procedural Rules with discovery under the Federal Rules of Civil Procedure. Administrative proceedings under the CAA are intended to serve as a less formal, more expeditious alternative to litigation in the federal courts for resolving disputes. In the OCWR's experience, section 6.01 of the Rules—which grants the Merits Hearing Officer the discretion to order reasonable prehearing discovery and to issue orders setting forth the forms and extent of discovery—is best suited to this purpose and to ensure that discovery requests will be rel-

evant and proportional to the particular needs of each case.

#### **Subpart G—Hearings**

A commenter proposed that section 7.02(b)(4) be revised to recognize the Merits Hearing Officer's discretion to dismiss an action in whole or in part, with or without prejudice, when a claimant files a claim that fails to meet the requirements of section 401(f) of the Act. We agree, and have revised the Rule accordingly. We have also revised section 7.02(b)(2) to recognize that the Merits Hearing Officer has the same discretion if a party fails to prosecute or defend a position.

One commenter recommended that the prehearing procedures at section 7.04 be modified to provide for two phases: the initial establishment of a framework for prehearing discovery, and subsequent preparation for a hearing, if any. The commenter proposes two conferences: First, the Merits Hearing Officer would conduct an initial conference soon after the claimant requests an administrative hearing pursuant to section 405 of the Act; during this conference, the Merits Hearing Officer would establish an orderly process for discovery and set a schedule for dispositive motions. Second, after discovery has closed and shortly before the commencement of the administrative hearing, the Merits Hearing Officer would conduct a prehearing conference to discuss the matters that were listed in section 7.04(d) of the proposed Rules. We agree with the commenter that such a modification would provide a more meaningful process for prehearing discovery and hearing preparation. Section 7.04 has been revised accordingly.

Several commenters proposed amending section 7.05, which concerns scheduling the administrative hearing, to reflect the new time limits set forth in the CAARA. We agree. As amended by the CAARA, the CAA provides at section 405(d)(2) that an administrative hearing must commence no later than 90 days after a claimant files a request for an administrative hearing, and that this time limit may be extended by 30 days upon mutual agreement of the parties or for good cause shown. Paragraphs (a) and (b) of section 7.05 have been revised accordingly.

A commenter suggested that a new paragraph be added to section 7.05 to expressly affirm that a Merits Hearing Officer has the authority to open a hearing and stay proceedings pending the resolution of dispositive motions and other pretrial matters. The commenter further suggested that section 7.05 should also expressly permit the Merits Hearing Officer to open and stay proceedings for a reasonable amount of time when jointly requested by the parties. We agree with the commenter that, under existing practice, Hearing Officers have the authority to open a hearing and stay proceedings under the circumstances described above. This authority is unaffected by the CAARA amendments, and the Board therefore does not believe that it is necessary to amend section 7.05 in the manner proposed.

A commenter recommended that section 7.07(f)—which grants the Merits Hearing Officer the discretion to hold the hearing without the claimant if the claimant's representative is present—be amended to also grant the Merits Hearing Officer the discretion to hold a hearing without the respondent if the respondent's representative is present. The commenter also proposed to revise section 7.07(f) to make allowances for intervenor Members of Congress, whose presence throughout the duration of a hearing may not be necessary and, in some cases, may actually impede the progress of the hearing due to the Member's need to fulfill his or her constitutional duties. We agree with the commenter on both counts and have amended section 7.07(f) in the manner suggested.

A commenter suggested that section 7.16(e) be amended to provide that, in the case of a decision in which an amount of compensatory damages is found to be reimbursable as described in section 7.16(c)(4) of the Rules, the OCWR shall promptly provide a copy of the Merits Hearing Officer's written decision to the Member responsible for that reimbursement, regardless of whether the Member has intervened in the action. We agree and have revised section 7.16(e) accordingly.

#### **Subpart I—Other Matters of General Applicability**

One commenter suggested that section 9.01(b)(5), which concerns the form of a motion for attorney's fees and costs, be revised to require additional evidence of an established attorney-client relationship only if a copy of the fee agreement is not available. We agree, and have revised section 9.01(b)(5) accordingly.

A commenter objected to proposed section 9.01(c), which would require the prevailing party in arbitration proceedings to submit any request for attorney's fees and costs to the arbitrator in accordance with the established arbitration procedures. The commenter contends that OCWR's proposed rule conflicts with the CAA. We disagree. Section 220(a) of the CAA extends to employing offices, employees, and collective bargaining representatives the rights, protections, and responsibilities established under various portions of the Federal Service Labor-Management Relations Statute ("FSLMRS") including 5 U.S.C. 7121–22, relating to grievance arbitration. Under the FSLMRS, the entitlement to attorney's fees is determined by reference to the Back Pay Act, 5 U.S.C. 7701(g). The Federal Labor Relations Authority has long recognized that the Back Pay Act confers jurisdiction on an arbitrator to consider an attorney's fees request filed after an arbitrator's decision awarding back pay. *Philadelphia Naval Shipyard & Philadelphia Metal Trades Council*, 32 F.L.R.A. 417 (1988); accord, *Fraternal Order of Police, U.S. Capitol Police Labor Comm. v. U.S. Capitol Police*, Case No. 17-ARB-04, 2018 WL 950096, \*9 (OOC Feb. 15, 2018) (holding that arbitrator was authorized to award attorney's fees in a case arising under section 220(a) of the CAA). Section 9.01(c) clarifies that the proper procedure for a party seeking an award of attorney's fees or costs in an arbitration proceeding under the CAA is to submit the request to the arbitrator in the first instance.

A commenter suggested that section 9.03(a) of the proposed Rules, which concerns informal resolution of disputes, would improperly expand the scope of coverage of section 9.03(a) of the existing Rules to place limits on an employing office and a covered employee before that covered employee files a claim with the OCWR. The commenter contends that this would be inconsistent with section 414 of the Act, which only concerns settlements entered into by the "parties to a process" described in sections 210, 215, 220, or 401 of the CAA. We agree with the commenter that section 9.03 should only address resolutions between "parties to a process" under section 414 of the Act, and that, in the case of alleged violations of sections 102(c) or 201–207 of the Act, that process begins when an employee files a claim form.

Upon further consideration of section 9.03(a), the Board has decided to eliminate the provisions of this section concerning informal resolutions of disputes. Under section 414 of the Act, any settlement agreement entered into by parties to a process must be in writing and approved by the OCWR Executive Director. No mention is made of informal resolutions in the CAA, and the Act makes no distinction between agreements settling claims entered into before or after

the employee requests an administrative hearing. In light of the foregoing, we believe that unnecessary confusion would result if the OCWR includes in the Rules a provision that concerns agreements outside the scope of section 414. Rather, section 9.03 now emphasizes the statutory requirements for settlement agreements under the CAA, including the requirement that any agreement between the parties that purports to create an obligation that is payable from the account established by section 415(a) of the Act must be in writing and approved by the OCWR Executive Director.

One commenter recommended that section 9.03 of the Rules should clarify whether funds from the section 415(a) Treasury Account are available to pay for disability-based claims, such as a back pay award based on a finding of discrimination due to a disability. Because section 415(c) of the Act clearly sets forth the exceptions to the general rule that only funds from the section 415(a) Treasury Account will be used for the payment of any amount specified in an award or settlement agreement, The Board declines to expand on these exceptions in these Procedural Rules.

A commenter noted that, although section 9.03 of the Proposed Rules correctly states that certain section 201 and 206 claims are reimbursable under the CAARA, it should also state that certain section 207 claims are also subject to the new reimbursement requirement. Commenters also recommended that section 9.03 should be amended to reflect the expanded reimbursement requirements applicable to Members of Congress under current House and Senate rules. We agree with these recommendations, and we have revised this section accordingly. We decline, however, to include citations to specific House or Senate rules that currently require reimbursement, as those rules are subject to modification.

One commenter contends that section 9.04, which concerns payments required pursuant to decisions, awards, or settlements under section 415(a) of the Act, conflicts with the Act because it requires employing offices, rather than the OCWR, to pay awards and settlements under the CAA, and because it permits the OCWR to circumvent certain tax reporting obligations it incurs upon payment as the entity in control of the section 415(a) Treasury Account. We disagree for the reasons that follow.

Section 415(a) of the CAA provides, in relevant part, that "only funds which are appropriated to an account of the Office in the Treasury of the United States for the payment of awards and settlements may be used for the payment of awards and settlements under this chapter." Pursuant to section 415(a), the OCWR, through its Executive Director, prepares and processes requisitions for disbursements from the Treasury account established pursuant to section 415(a) when qualifying final decisions, awards, or approved settlements require the payment of funds. Section 9.04 of the Rules provides guidance for processing certifications of payments from the funds appropriated to the section 415(a) Treasury Account. These procedures are based on regulations issued by the Department of the Treasury's Bureau of Fiscal Services at 31 C.F.R. part 256 that provide guidance to agencies in the executive branch for submitting requests for payments from the Judgment Fund, which is a permanent, indefinite appropriation that is available to pay many judicially and administratively ordered monetary awards against the United States.

Like the Judgment Fund, the Section 415(a) Treasury Account is a permanent, indefinite appropriation intended to pay settlements and awards, including back pay awards, occasioned by agency liability im-

posed by a statute. It is clear that under existing appropriations law, an employing office must use funds from the section 415(a) Treasury account to pay awards and settlements under the CAA, and the Rules set forth the proper procedures for complying with this mandate. In the OCWR's view, section 415(b), which "authorizes to be appropriated such sums as may be necessary for administrative, personnel, and similar expenses of employing offices which are needed to comply with" the CAA, requires employing offices, and not the OCWR, to perform these administrative payment functions, including ensuring proper tax withholding and reporting, and to pay the expenses related to these functions.

Several commenters suggested that section 9.04 be modified to recognize that the employing offices of the House and the Senate are not actively involved in administering finances or disbursing payments, including making payments required by decisions, awards, or settlements pursuant to section 415 of the CAA. We agree, and we have amended section 9.04 to clarify that employing offices or their designated payroll administrators or disbursing offices may submit payment requests to the OCWR.

The Board declines to follow one commenter's recommendation to withdraw sections 9.04(d) of the Rules concerning back pay, as well as section 9.04(f) concerning tax reporting and withholding obligations, until language consistent with the statutes, rules, regulations, and procedures of both the Senate and the OCWR can be determined. Instead, the Board has amended section 9.04(d) to provide several options to employing offices for disbursement of back pay, including disbursement "pursuant to a method mutually agreed upon by the OCWR and the employing office, payroll administrator, or disbursing office, as applicable." The OCWR welcomes this commentator's invitation to work with it, as well as other payroll administrators and disbursing offices, to craft methods that are consistent with statutes, rules, regulations, and procedures related to payroll administration.

Several commenters also suggested that the OCWR seek a formal determination from the Comptroller General to ensure that the provisions of section 4.09 are consistent with governing appropriations law principles. The Board agrees, and the OCWR will seek such a determination. Any resulting amendments to section 4.09 will be effected pursuant to the notice and comment procedures set forth in section 303 of the Act, 2 U.S.C. 1383.

#### **Explanation Regarding the Text of the Proposed Amendments**

Only subsections of the Procedural Rules that include proposed amendments are reproduced in this NOTICE. The insertion of a series of five asterisks (\*\*\*\*\* ) indicates that a whole section or paragraph, including its subordinate sections paragraphs, is unchanged, and has not been reproduced in this document. The insertion of a series of three asterisks (\*\*\*) indicates that the unamended text of higher level sections or paragraphs remain unchanged when text is changed at a subordinate level, or that preceding or remaining sentences in a paragraph are unchanged. For the text of other portions of the Procedural Rules which are not proposed to be amended, please access the Office of Congressional Workplace Rights public website at [www.ocwr.gov](http://www.ocwr.gov).

#### **ADOPTED AMENDMENTS**

##### **SUBPART A—[AMENDED]**

1. Subpart A has been amended to read as follows:

##### **Subpart A—General Provisions** **§ 1.01 Scope and Policy**

**§ 1.02 Definitions****§ 1.03 Filing and Computation of Time****§ 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses, and Other Documents****§ 1.05 Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions****§ 1.06 Availability of Official Information****§ 1.07 Designation of Representative; Revocation of Designation****§ 1.08 Confidentiality****§ 1.01 Scope and Policy.**

These Rules of the Office of Congressional Workplace Rights (OCWR) govern the procedures for considering and resolving alleged violations of the laws made applicable by the Congressional Accountability Act of 1995 (CAA), as amended by the Congressional Accountability Act of 1995 Reform Act of 2018 (CAARA). The Rules include definitions and procedures for seeking confidential advice, filing a claim with the OCWR, and participating in administrative dispute resolution proceedings at the OCWR. The Rules also address the procedures for occupational safety and health inspections, investigations, and enforcement. The Rules include procedures for the conduct of hearings held as a result of the filing of a claim or complaint and for appeals to the OCWR Board of Directors from Merits Hearing Officers' decisions, as well as other matters of general applicability to the dispute resolution process and to the OCWR's operations. It is the OCWR's policy that these Rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

**§ 1.02 Definitions.**

Except as otherwise specifically provided, the following are the definitions of terms used in these Rules:

(a) *Act*.—The term “Act” means the Congressional Accountability Act of 1995, as amended by the Congressional Accountability Act of 1995 Reform Act of 2018.

(b) *Board*.—The term “Board” means the Board of Directors of the Office of Congressional Workplace Rights.

(c) *Chair*.—The term “Chair” means the Chair of the Board of Directors of the Office of Congressional Workplace Rights.

(d) *Claim*.—The term “claim” means the allegations of fact that the claimant contends constitute a violation of sections 102(c) or 201–207 of the Act.

(e) *Claim Form*.—The term “claim form” means the written pleading filed by an individual or his or her designated representative to initiate proceedings with the Office of Congressional Workplace Rights, which describes the facts and law supporting one or more alleged violations of section 102(c) or 201–207 of the Act.

(f) *Claimant*.—The term “claimant” means the individual filing a claim form with the Office of Congressional Workplace Rights, or on whose behalf a claim is filed by a designated representative.

(g) *Complaint*.—The term “complaint” means the written pleading filed with the Office of Congressional Workplace Rights by the General Counsel, which describes the facts and law supporting the alleged violation of sections 210, 215, or 220 of the Act.

(h) *Confidential Advisor*.—The term “Confidential Advisor” means, pursuant to section 302 of the Act, a lawyer appointed or designated by the Executive Director to offer to provide covered employees certain services, on a privileged and confidential basis, which a covered employee may accept or decline. A Confidential Advisor is not the covered employee's designated representative.

*Covered Employee*.—see “Employee, Covered,” below.

(i) *Designated Representative*.—The term “designated representative” means an individual, firm, or other entity designated in writing by a party to represent the interests of that party in a matter filed with the Office.

(j) *Direct Act*.—The term “direct act,” with regard to a Library claimant, means a statute (other than the Act) that is specified in sections 201, 202, or 203 of the Act.

(k) *Direct Provision*.—The term “direct provision,” with regard to a Library claimant, means a direct act provision (including a definitional provision) that applies the rights or protections of a direct act (including the rights and protections relating to non-retaliation or non-coercion).

(l) *Employee*.—The term “employee” includes an applicant for employment and a former employee.

(m) *Employee, Covered*.—The term “covered employee” means:

- (1) any employee of the House of Representatives;
- (2) any employee of the Senate;
- (3) any employee of the Office of Congressional Accessibility Services;
- (4) any employee of the Capitol Police;
- (5) any employee of the Congressional Budget Office;
- (6) any employee of the Office of the Architect of the Capitol;
- (7) any employee of the Office of the Attending Physician;
- (8) any employee of the Office of Congressional Workplace Rights;
- (9) any employee of the Office of Technology Assessment;
- (10) any employee of the Library of Congress, except for purposes of section 220 of the Act;
- (11) any employee of the John C. Stennis Center for Public Service Training and Development;
- (12) any employee of the China Review Commission, the Congressional Executive China Commission, or the Helsinki Commission;
- (13) to the extent provided by sections 204–207 and 215 of the Act, any employee of the Government Accountability Office; or
- (14) unpaid staff, as defined below in section 1.02(r) of these Rules.

(n) *Employee of the Office of the Architect of the Capitol*.—The term “employee of the Office of the Architect of the Capitol” includes any employee of the Office of the Architect of the Capitol or the Botanic Garden.

(o) *Employee of the Capitol Police*.—The term “employee of the Capitol Police” includes civilian employees and any member or officer of the Capitol Police.

(p) *Employee of the House of Representatives*.—The term “employee of the House of Representatives” includes an individual occupying a position the pay for which is disbursed by the Chief Administrative Officer of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(q) *Employee of the Senate*.—The term “employee of the Senate” includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (13) of paragraph (m) above.

(r) *Employee, Unpaid Staff*.—The terms “unpaid staff” and “unpaid staff member” mean any staff member of an employing office who carries out official duties of the employing office but who is not paid by the employing office for carrying out such duties, including

an intern, an individual detailed to an employing office, and an individual participating in a fellowship program. This definition includes a former unpaid staff member, if the act(s) that may be a violation of section 201(a) of the Act occurred during the service of the former unpaid staff member for the employing office.

(s) *Employing Office*.—The term “employing office” means:

- (1) the personal office of a Member of the House of Representatives or a Senator;
- (2) a committee of the House of Representatives or the Senate or a joint committee;
- (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate;
- (4) the Office of Congressional Accessibility Services, the Capitol Police, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, and the Office of Congressional Workplace Rights;
- (5) the Library of Congress, except for section 220 of the Act;
- (6) the John C. Stennis Center for Public Service Training and Development, the Office of Technology Assessment, the China Review Commission, the Congressional Executive China Commission, and the Helsinki Commission; or
- (7) to the extent provided by sections 204–207 and 215 of the Act, the Government Accountability Office.

(t) *Executive Director*.—The term “Executive Director” means the Executive Director of the Office of Congressional Workplace Rights.

(u) *Final Disposition*.—The term “final disposition” under section 416(d) of the Act means any of the following:

- (1) an order or agreement to pay an award or settlement, including an agreement reached pursuant to mediation under section 404 of the Act;
- (2) a final decision of a Merits Hearing Officer under section 405(g) of the Act that is no longer subject to review by the Board under section 406;
- (3) a final decision of the Board under section 406(e) of the Act that is no longer subject to appeal to the United States Court of Appeals for the Federal Circuit under section 407; or
- (4) a final decision in a civil action under section 408 of the Act that is no longer subject to appeal.

(v) *General Counsel*.—The term “General Counsel” means the General Counsel of the Office of Congressional Workplace Rights.

(w) *Hearing*.—A “hearing” means an administrative hearing as provided in section 405 of the Act, subject to Board review as provided in section 406 of the Act and judicial review in the United States Court of Appeals for the Federal Circuit as provided in section 407 of the Act.

(x) *Hearing Officer*.—The term “Hearing Officer” means any individual appointed by the Executive Director to preside over administrative proceedings within the Office of Congressional Workplace Rights.

(y) *Hearing Officer, Merits*.—The term “Merits Hearing Officer” means any individual appointed by the Executive Director to preside over an administrative hearing conducted on matters within the Office's jurisdiction under section 405 of the Act.

(z) *Hearing Officer, Preliminary*.—The term “Preliminary Hearing Officer” means an individual appointed by the Executive Director to make a preliminary review of claim(s) filed, and to issue a preliminary review report on such claim(s), as provided in section 403 of the Act.

(aa) *Intern*.—The term “intern,” for purposes of section 201(a) and (b) of the Act, means an individual who, for an employing office, performs service which is uncompensated by the United States to earn credit awarded by an educational institution or to learn a trade or occupation, and includes any individual participating in a page program operated by any House of Congress.

(bb) *Library Claimant*.—A “Library claimant” is a covered employee of the Library of Congress who initially brings a claim, complaint, or charge under a direct provision for a proceeding before the Library of Congress and who may, prior to requesting a hearing under the Library of Congress’s procedures, elect to—

(1) continue with the Library of Congress’ procedures and preserve the option (if any) to bring any civil action relating to the claim, complaint, or charge, that is available to the Library claimant; or

(2) file a claim with the Office under section 402 of the Act and continue with the corresponding procedures of this Act available and applicable to a covered employee.

(cc) *Library Visitor*.—The term “Library visitor” means an individual who is eligible to allege a violation under title II or III of the Americans with Disabilities Act of 1990 (other than a violation for which the exclusive remedy is under section 201 of the Act) against the Library of Congress.

(dd) *Member or Member of Congress*.—The terms “Member” and “Member of Congress” mean a United States Senator, a Representative in the House of Representatives, a Delegate to Congress, or the Resident Commissioner from Puerto Rico.

*Merits Hearing Officer*.—see “Hearing Officer, Merits,” above.

(ee) *Office*.—The term “Office” means the Office of Congressional Workplace Rights.

(ff) *Party*.—The term “party” means:

(1) a covered employee or employing office in a proceeding to address an alleged violation of sections 102(c) or 201–207 of the Act;

(2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under section 210 of the Act;

(3) a covered employee, an employing office, or the General Counsel in a proceeding under section 215 of the Act;

(4) a labor organization, an employing office or entity, or the General Counsel in a proceeding under section 220 of the Act; or

(5) any individual, employing office, or Member of Congress that has intervened in a proceeding pursuant to the Act or these Rules.

*Preliminary Hearing Officer*.—see “Hearing Officer, Preliminary,” above.

(gg) *Mediator*.—The term “Mediator” means an individual appointed by the Executive Director as an independent neutral who serves in a confidential, interactive process communicating with the parties jointly or separately in an attempt to achieve a mutually acceptable resolution of a claim. The Mediator cannot serve in any other capacity with respect to a claim in connection with which he or she has been appointed to conduct mediation.

(hh) *Respondent*.—The term “respondent” means the party against which a claim, a complaint, or a petition is filed.

(ii) *Senior Staff*.—The term “senior staff,” for purposes of the reporting requirement to the House and Senate Ethics Committees under the Act, means any individual who is employed in the House of Representatives or the Senate who, at the time a violation occurred, was required to file a report under title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 101 et seq.).

*Unpaid Staff*.—see “Employee, Unpaid Staff,” above.

### § 1.03 Filing and Computation of Time.

(a) *Method of Filing*.—Documents may be filed in person, electronically, by facsimile (fax), or by mail, including express, overnight, and other expedited delivery. The filing of all documents is subject to the limitations set forth below. The Board, Hearing Officers, the Executive Director, or the General Counsel may, in their discretion, determine the method by which documents may be filed in a particular proceeding, including ordering one or more parties to use mail, fax, electronic filing, or personal delivery. Parties and their representatives are responsible for ensuring that the Office always has their current postal mailing and e-mail addresses and fax numbers.

(1) *In Person*.—A document shall be deemed timely filed if it is hand delivered to the Office at: Adams Building, Room LA-200, 110 Second Street, SE, Washington, D.C. 20540-1999, before 5:00 p.m. Eastern Time on the last day of the applicable time period.

(2) *By Mail*.—Documents are deemed filed on the date of their postmark or proof of mailing to the Office. Parties, including those using franked mail, are responsible for ensuring that any mailed document bears a postmark date or other proof of the actual date of mailing. Absent a legible postmark, a document will be deemed timely filed if it is received by the Office at Adams Building, Room LA 200, 110 Second Street, SE, Washington, D.C. 20540-1999, by mail within five (5) days of the expiration of the applicable filing period.

(3) *By Fax*.—Documents transmitted by fax machine will be deemed filed on the date received at the Office at 202-426-1913, or on the date received at the Office of the General Counsel at 202-426-1663 if received by 11:59 p.m. Eastern Time. Faxed documents received after 11:59 p.m. Eastern Time will be deemed filed the following business day. A fax filing will be timely only if the document is received no later than 11:59 p.m. Eastern Time on the last day of the applicable filing period. Any party using a fax machine to file a document is responsible for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The time displayed as received by the Office on its fax status report will be used to show the time that the document was filed. When the Office serves a document by fax, the time displayed as sent by the Office on its fax status report will be used to show the time that the document was served. A fax filing cannot exceed 75 pages, inclusive of table of contents, table of authorities, and attachments. Attachments exceeding 75 pages must be submitted to the Office in person or by electronic delivery. The filing date is determined by the date the brief, motion, response, or supporting memorandum is received in the Office, rather than by the date the attachments are received in the Office.

(4) *By Electronic Mail*.—Documents transmitted electronically will be deemed filed on the date received at the Office at [ocwrefile@ocwr.gov](mailto:ocwrefile@ocwr.gov), or on the date received at the Office of the General Counsel at [osh@ocwr.gov](mailto:osh@ocwr.gov) or [adaaccess@ocwr.gov](mailto:adaaccess@ocwr.gov), if received by 11:59 p.m. Eastern Time. Documents received electronically after 11:59 p.m. Eastern Time will be deemed filed the following business day. An electronic filing will be timely only if the document is received no later than 11:59 p.m. Eastern Time on the last day of the applicable filing period. Any party filing a document electronically is responsible for ensuring both that the document is timely and accurately transmitted and for confirming that the Office has received the document. The time displayed as received by the Office will be used to show

the time that the document has been filed. When the Office serves a document electronically, the time displayed as sent by the Office will be used to show the time that the document was served. The time displayed as received or sent by the Office will be based on the document’s timestamp information and used to show the time that the document was filed or served.

(b) *Service by the Office*.—At its discretion, the Office may serve documents by mail, fax, electronic transmission, or personal or commercial delivery.

(c) *Computation of Time*.—All time periods in these Rules that are stated in terms of days are calendar days unless otherwise noted. However, when the period of time prescribed is five (5) days or less, intermediate Saturdays, Sundays, Federal government holidays, and other full days that the Office is officially closed for business shall be excluded in the computation. To compute the number of days for taking any action required or permitted under these Rules, the first day shall be the day after the event from which the time period begins to run and the last day for filing or service shall be included in the computation. When the last day falls on a Saturday, Sunday, Federal government holiday, or a day the Office is officially closed, the last day for taking the action shall be the next regular Federal government workday.

(d) *Time Allowances for Mailing, Fax, or Electronic Delivery of Official Notices*.—Whenever a person or party has the right or is required to do some act within a prescribed period after the service of a notice or other document upon him or her and the notice or document is served by mail, 5 days shall be added to the prescribed period. When documents are served by certified mail, return-receipt requested, the prescribed period shall be calculated from the date of receipt as evidenced by the return receipt. When documents are served electronically or by fax, the prescribed period shall be calculated from the date of transmission by the Office.

### § 1.04 Filing, Service, and Size Limitations of Motions, Briefs, Responses, and Other Documents.

(a) *Filing with the Office; Number and Form*.—One copy of claims, General Counsel complaints, requests for mediation, requests for inspection under OSH, unfair labor practice charges, charges under titles II and III of the Americans with Disabilities Act of 1990, all motions, briefs, responses, and other documents must be filed with the Office. A party may file an electronic version of any submission in a manner designated by the Board, the Executive Director, the General Counsel, or the Merits Hearing Officer, with receipt confirmed by electronic transmittal in the same manner.

(b) *Service*.—The parties shall serve on each other one copy of all motions, briefs, responses and other documents filed with the Office, other than a request for advising, a request for mediation, or a claim. Service shall be made by mailing, by fax or e-mailing, or by hand delivering a copy of the motion, brief, response, or other document to each party, or if represented, the party’s representative, on the service list previously provided by the Office. Each of these documents must be accompanied by a certificate of service specifying how, when and on whom service was made. It shall be the duty of each party to notify the Office and all other parties in writing of any changes in the names or addresses on the service list.

(c) *Time Limitations for Response to Motions or Briefs and Reply*.—Unless otherwise specified by the Merits Hearing Officer or these Rules, a party shall file and serve a response to a motion or brief within 15 days of the

service of the motion or brief upon the party. Any reply to such response shall be filed and served within 5 days of the service of the response. Only with the Merits Hearing Officer's advance approval may either party file additional responses or replies.

(d) *Size Limitations*.—Except as otherwise specified, no brief, motion, response, or supporting memorandum filed with the Office shall exceed 35 double-spaced pages, exclusive of the table of contents, table of authorities, and attachments. Footnotes, endnotes, and block quotes may be single-spaced. The Board, the Executive Director, or the Merits Hearing Officer may modify this limitation upon motion and for good cause shown, or on their own initiative. Briefs, motions, responses, and supporting memoranda shall be on standard letter-size paper (8½" x 11") and shall use a font size no smaller than 12-point. If a filing exceeds 35 double-spaced pages, the Board, the Executive Director, or the Merits Hearing Officer may, in their discretion, reject the filing in whole or in part, and may provide the parties an opportunity to refile.

#### **§ 1.05 Signing of Pleadings, Motions, and Other Filings; Violation of Rules; Sanctions.**

(a) *Signing*.—Every pleading, motion, and other filing of a party represented by an attorney or other designated representative shall be signed by the attorney or representative, except that a claim form must be signed by the claimant under oath or affirmation pursuant to section 4.04(c) of these Rules. A party who is not represented shall sign the pleading, motion, or other filing. In the case of an electronic filing, an electronic signature is acceptable. The signature of a representative or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other filing, and that to the best of the signer's knowledge, information, and belief formed after reasonable inquiry, each of the following is correct:

(1) it is not presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter;

(2) the claims, defenses, and other legal contentions the party advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further review or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(b) *Sanctions*.—If a pleading, motion, or other filing is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the person who is required to sign. If a pleading, motion, or other filing is signed in violation of this rule, a Hearing Officer or the Board, as appropriate, upon motion or upon their own initiative, may impose an appropriate sanction, which may include the sanctions specified in section 7.02 of these Rules.

#### **§ 1.06 Availability of Official Information.**

(a) *Policy*.—It is the policy of the Board, the Executive Director, and the General Counsel, except as otherwise ordered by the Board, to make available for public inspection and copying final decisions and orders of the Board and the Office, as specified and described in paragraph (d) below.

(b) *Availability*.—Any person may examine and copy items described in paragraph (a) above at the Office of Congressional Work-

place Rights, Adams Building, Room LA-200, 110 Second Street SE, Washington, D.C. 20540-1999, under conditions prescribed by the Office, including requiring payment for copying costs, and at reasonable times during normal working hours so long as it does not interfere with the efficient operations of the Office. As ordered by the Board, the Office may withhold or place under seal identifying details or other necessary matters, and, in each case, the reason for the withholding or sealing shall be stated in writing.

(c) *Copies of Forms*.—Copies of blank forms prescribed by the Office for the filing of claims, complaints, and other actions or requests may be obtained from the Office or online at [www.ocwr.gov](http://www.ocwr.gov).

(d) *Final Decisions*.—Pursuant to section 416(e) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act that is in favor of the claimant, or is in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision which had been in favor of a claimant or charging party, shall be made public. The Board may make public any other decision at its discretion.

(e) *Release of Records for Judicial Action*.—The records of Hearing Officers and the Board may be made public if required for the purpose of judicial review under section 407 of the Act.

#### **§ 1.07 Designation of Representative; Revocation of Designation.**

(a) *Designation of Representative*.—A party wishing to be represented must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney. If the representative is an attorney, he or she may sign the designation of representative on behalf of the party. No more than one representative, firm, or other entity may be designated as representative for a party for the purpose of receiving service, unless approved in writing by the Hearing Officer or Executive Director.

(b) *Service When There is a Representative*.—Service of documents shall be on the representative unless and until such time as the represented party or representative, with notice to the party, notifies the Executive Director in writing of a modification or revocation of the designation of representative. Where a designation of representative is in effect, all time limitations for receipt of materials shall be computed in the same manner as for those who are unrepresented, with service of the documents, however, directed to the representative.

(c) *Revocation of a Designation of Representative*.—A revocation of a designation of representative, whether made by the party or by the representative with notice to the party, must be made in writing and filed with the Office. A representative who withdraws after an administrative hearing has been requested under section 405 of the Act must provide sufficient notice to the Merits Hearing Officer and the parties of record of his or her withdrawal from the case. The revocation will be deemed effective the date of receipt by the Office. Consistent with any applicable statutory time limit, at the discretion of the Executive Director, General Counsel, Mediator, Hearing Officer, or Board, additional time may be provided to allow the party to designate a new representative as consistent with the Act. Until the party designates another representative in writing, the party will be regarded as appearing pro se.

#### **§ 1.08 Confidentiality.**

(a) *Policy*.—Except as provided in sections 302(d) and 416(c), (d), and (e) of the Act, the Office shall maintain confidentiality in the

confidential advising process, mediation, and the proceedings and deliberations of Hearing Officers and the Board in accordance with sections 302(d)(2)(B) and 416(a)-(b) of the Act.

(b) *Participant*.—For the purposes of this rule, "participant" means an individual or entity who takes part as either a covered employee, party, witness, or designated representative in confidential advising under section 302(d) of the Act, mediation under section 404, the claim and hearing process under section 405, an appeal to the Board under section 406 of the Act, or any related proceeding which is expressly or by necessity deemed confidential under the Act or these Rules.

(c) *Prohibition*.—Unless specifically authorized by the provisions of the Act or by these Rules, no participant in the confidential advising process, mediation, or other proceedings made confidential under section 416 of the Act may disclose a written or an oral communication that is prepared for the purpose of or that occurs during the confidential advising process, mediation, or the proceedings or deliberations of Hearing Officers or the Board.

(d) *Exceptions*.—Nothing in these Rules prohibits a party or its representative from disclosing information obtained in mediation or hearings when reasonably necessary to investigate claims, ensure compliance with the Act, or prepare its prosecution or defense. However, the party making the disclosure shall take all reasonably appropriate steps to ensure that persons to whom the information is disclosed maintain the confidentiality of such information. These Rules do not preclude disclosures between a party and that party's designated representative, provided that the party or designated representative to whom the information is disclosed maintains the confidentiality of such information. These Rules do not preclude a Mediator from consulting with the Office, except that when the covered employee is an employee of the Office, a Mediator shall not consult with any individual within the Office who is or who might be a party or witness. These Rules do not preclude the Office from reporting information to the Senate and House of Representatives as required by the Act.

(e) *Contents or Records of Mediation or Hearings*.—For the purpose of this rule, the contents or records of the confidential advising process, mediation or other proceeding includes the information disclosed by participants to the proceedings, and records disclosed by the opposing party, witnesses, or the Office. A participant is free to disclose facts and other information obtained from any source outside of the mediation or hearing. For example, an employing office or its representatives may disclose information about its employment practices and personnel actions, provided that the information was not obtained in a confidential proceeding. However, a claimant who obtains that information in mediation or other confidential proceeding may not disclose such information. Similarly, information forming the basis for the allegation of a claimant may be disclosed by that claimant, provided that the information contained in those allegations was not obtained in a confidential proceeding. However, the employing office or its representatives may not disclose that information if it was obtained in a confidential proceeding.

(f) *Sanctions*.—The Executive Director will advise all participants in the mediation and hearing at the time they became participants of the confidentiality requirements of section 416 of the Act and that sanctions may be imposed by a Hearing Officer for a violation of those requirements. No sanctions may be imposed except for good cause,

the particulars of which must be stated in the sanction order.

#### SUBPART B—[AMENDED]

2. Subpart B has been amended by:  
(a) Removing sections 2.01 through 2.07; and  
(b) Reserving subpart B for rules concerning “Compliance, Investigation, and Enforcement under Section 210 of the Act (ADA Public Services)—Inspections and Complaints”

#### SUBPART C—[REDESIGNATED AND AMENDED]

3. Subpart C has been amended by:  
(a) Redesignating subpart D as subpart C, and amending the references as indicated in the table below:

Old Section	New Section
4.01	3.01
4.02	3.02
4.03	3.03
4.04	3.04
4.05	3.05
4.06	3.06
4.07	3.07
4.08	3.08
4.09	3.09
4.10	3.10
4.11	3.11
4.12	3.12
4.13	3.13
4.14	3.14
4.15	3.15
4.20	3.20
4.21	3.21
4.22	3.22
4.23	3.23
4.24	3.24
4.25	3.25
4.26	3.26
4.27	3.27
4.28	3.28
4.29	3.29
4.30	3.30
4.31	3.31

(b) In subpart C, when referencing sections 4.01 through 4.15 or 4.20 through 4.31, writing the corresponding new section number as indicated in the table above.

(c) Amending redesignated section 3.07 by revising the last sentence of paragraph (g)(1) as follows:

\* \* \* \* \*

#### § 3.07 Conduct of Inspections.

\* \* \* \* \*

##### (g) Trade Secrets.

(1) \* \* \* In any such proceeding the Merits Hearing Officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(d) Amending redesignated section 3.14 by revising the second sentence of paragraph (b) as follows:

#### § 3.14 Failure to Correct a Violation for Which a Citation Has Been Issued; Notice of Failure to Correct Violation; Complaint.

\* \* \* \* \*

(b) \* \* \* The complaint shall be submitted to a Merits Hearing Officer for decision pursuant to subsections (b) through (h) of section 405 of the Act, subject to review by the Board pursuant to section 406. \* \* \*

(e) Amending redesignated section 3.22 by revising the second sentence as follows:

#### § 3.22 Effect of Variances.

\* \* \* In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a Merits Hearing Officer, or the Board until the completion of such proceeding.

(f) Amending redesignated section 3.25 by:  
(i) Revising the second sentence of paragraph (a); and

(ii) Revising the second sentence of paragraph (c)(1).

The revisions read as follows:

#### § 3.25 Applications for Temporary Variances and Other Relief.

(a) Application for Variance. \* \* \* Pursuant to section 215(c)(4) of the Act, the Board shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. \* \* \*

\* \* \* \* \*

##### (c) Interim Order.

(1) Application. \* \* \* The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

\* \* \* \* \*

(g) Amending redesignated section 3.26 by:  
(i) Revising the second sentence of paragraph (a); and

(ii) Revising the second sentence of paragraph (c)(1).

The revisions read as follows:

#### § 3.26 Applications for Permanent Variances and Other Relief.

(a) Application for Variance. \* \* \* Pursuant to section 215(c)(4) of the Act, the Board shall refer any matter appropriate for hearing to a Merits Hearing Officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

\* \* \* \* \*

##### (c) Interim Order.

(1) Application. \* \* \* The Merits Hearing Officer to whom the Board has referred the application may rule ex parte upon the application.

\* \* \* \* \*

(h) Amending redesignated section 3.28 by revising paragraph (a)(1) as follows:

#### § 3.28 Action on Applications.

##### (a) Defective Applications.

(1) If an application filed pursuant to sections 3.25(a), 3.26(a), or 3.27 of these Rules does not conform to the applicable section, the Merits Hearing Officer or the Board, as applicable, may deny the application.

\* \* \* \* \*

(i) Amending redesignated section 3.29 by revising it as follows:

#### § 3.29 Consolidation of Proceedings.

On the motion of the Merits Hearing Officer or the Board or that of any party, the Merits Hearing Officer or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

##### (j) Amending redesignated section 3.30 by

(i) Revising the second sentence of paragraph (a)(1);

(ii) Revising paragraph (b)(3);

(iii) Revising paragraph (c); and

(iv) Revising paragraph (d).

The revisions read as follows:

#### § 3.30 Consent Findings and Rules or Orders.

(a) General. \* \* \* The allowance of such opportunity and the duration thereof shall be in the discretion of the Merits Hearing Officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) Contents. Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

\* \* \* \* \*

(3) a waiver of any further procedural steps before the Merits Hearing Officer and the Board; and

\* \* \* \* \*

(c) Submission. On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) submit the proposed agreement to the Merits Hearing Officer for his or her consideration; or

(2) inform the Merits Hearing Officer that agreement cannot be reached.

(d) Disposition. In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the Merits Hearing Officer may accept such agreement by issuing his or her decision based upon the agreed findings.

(k) Amending redesignated section 3.31 by revising paragraph (a) as follows:

#### § 3.31 Order of Proceedings and Burden of Proof.

(a) Order of Proceeding. Except as may be ordered otherwise by the Merits Hearing Officer, the party applicant for relief shall proceed first at a hearing.

\* \* \* \* \*

#### SUBPART D—[AMENDED]

4. Subpart D has been amended as follows:

#### Subpart D—Claims Procedures Applicable to Consideration of Alleged Violations of Sections 102(c) and 201–207 of the Congressional Accountability Act of 1995, as amended by the CAA Reform Act of 2018.

##### § 4.01 Matters Covered by this Subpart

##### § 4.02 Requests for Advice and Information

##### § 4.03 Confidential Advising Services

##### § 4.04 Claims

##### § 4.05 Right to File a Civil Action

##### § 4.06 Initial Processing and Transmission of Claim; Notification Requirements

##### § 4.07 Mediation

##### § 4.08 Preliminary Review of Claim

##### § 4.09 Request for Administrative Hearing

##### § 4.10 Dismissal, Summary Judgment, and Withdrawal of Claim

##### § 4.11 Confidentiality

##### § 4.12 Automatic Referral to Congressional Ethics Committees

##### § 4.01 Matters Covered by this Subpart.

(a) These Rules govern the processing of any allegation that sections 102(c) or 201 through 206 of the Act have been violated and any allegation of intimidation or reprisal prohibited under section 207 of the Act. Sections 102(c) and 201–206 of the Act apply to covered employees and employing offices certain rights and protections of the following laws:

- (1) the Fair Labor Standards Act of 1938
- (2) title VII of the Civil Rights Act of 1964
- (3) title I of the Americans with Disabilities Act of 1990
- (4) the Age Discrimination in Employment Act of 1967
- (5) the Family and Medical Leave Act of 1993
- (6) the Employee Polygraph Protection Act of 1988
- (7) the Worker Adjustment and Retraining Notification Act
- (8) the Rehabilitation Act of 1973
- (9) chapter 43 (relating to veterans' employment and re-employment) of title 38, United States Code
- (10) chapter 35 (relating to veterans' preference) of title 5, United States Code
- (11) the Genetic Information Non-discrimination Act of 2008

(b) This subpart applies to the covered employees and employing offices as defined in sections 1.02(m) and 1.02(s) of these Rules and any activities within the coverage of sections 102(c) and 201–207 of the Act and referenced above in section 4.01(a) of these Rules.

##### § 4.02 Requests for Information.

At any time, an employee or an employing office may seek from the Office information



on the protections, rights, responsibilities, and available procedures under the Act. The Office will maintain the confidentiality of requests for such information.

#### § 4.03 Confidential Advising Services.

(a) *Appointment or Designation of Confidential Advisors.* The Executive Director shall appoint or designate one or more Confidential Advisors to carry out the duties set forth in section 302(d)(2) of the Act.

(1) *Qualifications.* A Confidential Advisor appointed or designated by the Executive Director must be a lawyer who is admitted to practice before, and is in good standing with, the bar of a State or territory of the United States or the District of Columbia, and who has experience representing clients in cases involving the laws incorporated by section 102 of the Act. A Confidential Advisor may be an employee of the Office. A Confidential Advisor cannot serve as a Mediator in any mediation conducted pursuant to section 404 of the Act.

(2) *Restrictions.* A Confidential Advisor may not act as the designated representative for any covered employee in connection with the covered employee's participation in any proceeding, including any proceeding under the Act, any judicial proceeding, or any proceeding before any committee of Congress. A Confidential Advisor may not offer or provide any of the services in section 302(d)(2) of the Act if the covered employee has designated an attorney representative in connection with the employee's participation in any proceeding under the Act, except that the Confidential Advisor may provide general assistance and information to the attorney representative regarding the Act and the role of the Office, as the Confidential Advisor deems appropriate.

(3) *Continuity of Service.*—Once a covered employee has accepted and received any services offered under section 302(d)(2) of the Act from a Confidential Advisor, any other services requested under section 302(d)(2) by the covered employee shall be provided, to the extent practicable, by the same Confidential Advisor.

(b) *Who May Obtain the Services of a Confidential Advisor.*—The services provided by a Confidential Advisor are available to any covered employee, including any unpaid staff and any former covered employee, except that a former covered employee may only request such services if the alleged violation occurred during the employment or service of the employee; and a covered employee may only request such services before the end of the 180-day period described in section 402(d) of the Act.

(c) *Services Provided by a Confidential Advisor.*—A Confidential Advisor shall offer to provide the following services to covered employees, on a privileged and confidential basis, which may be accepted or declined:

(1) informing, on a privileged and confidential basis, a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act about the employee's rights under the Act;

(2) consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act regarding—

(A) the roles, responsibilities, and authority of the Office; and

(B) the relative merits of securing private counsel, designating a non-attorney representative, or proceeding without representation for proceedings before the Office;

(3) advising and consulting, on a privileged and confidential basis, with a covered employee who has been subject to a practice that may be a violation of sections 102(c) or 201-207 of the Act regarding any claims the

covered employee may have under title IV of the Act, the factual allegations that support each such claim, and the relative merits of the procedural options available to the employee for each such claim;

(4) assisting, on a privileged and confidential basis, a covered employee who seeks consideration under title IV of an allegation of a violation of sections 102(c) or 201-207 of the Act in understanding the procedures, and the significance of the procedures, described in title IV, including—

(A) assisting or consulting with the covered employee regarding the drafting of a claim form to be filed under section 402(a) of the Act; and

(B) consulting with the covered employee regarding the procedural options available to the covered employee after a claim form is filed, and the relative merits of each option; and

(5) informing, on a privileged and confidential basis, a covered employee about the option of providing information to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate.

(d) *Privilege and Confidentiality.*—Although the Confidential Advisor is not the employee's representative, the services provided under paragraph (c) of this section, and any related communications between the Confidential Advisor and the employee before or after the filing of a claim, shall be strictly confidential and shall be privileged from discovery. All documents reflecting the Confidential Advisor's communications with the employee are not records of the Office within the meaning of section 301(m) of the Act. Upon request from the Office, the Confidential Advisor may provide the Office with statistical information about the number of contacts from covered employees and the general subject matter of the contacts from covered employees.

#### § 4.04 Claims.

(a) *Who May File.*—A covered employee alleging any violation of sections 102(c) or 201-207 of the Act may commence a proceeding by filing a timely claim pursuant to section 402 of the Act.

(b) *When to File.*

(1) A covered employee may not file a claim under this section alleging a violation of law after the expiration of the 180-day period that begins on the date of the alleged violation.

(2) *Special Rule for Library of Congress Claimants.*—A claim filed by a Library claimant shall be deemed timely filed under section 402 of the Act:

(A) if the Library claimant files the claim within the time period specified in subparagraph (1); or

(B) the Library claimant:

(i) initially filed a claim under the Library of Congress's procedures set forth in the applicable direct provision under section 401(d)(1)(B) of the Act;

(ii) met any initial deadline under the Library of Congress's procedures for filing the claim; and

(iii) subsequently elected to file a claim with the Office under section 402 of the Act prior to requesting a hearing under the Library of Congress's procedures.

(c) *Form and Contents.*—All claims shall be on the form provided by the Office either on paper or electronically, signed manually or electronically under oath or affirmation by the claimant, and contain the following information, if known:

(1) the name, mailing and e-mail addresses, and telephone number(s) of the claimant;

(2) the name of the employing office against which the claim is brought;

(3) the name(s) and title(s) of the individual(s) involved in the conduct that the employee alleges is a violation of the Act;

(4) a description of the conduct being challenged, including the date(s) of the conduct;

(5) a description of why the claimant believes the challenged conduct is a violation of the Act;

(6) a statement of the specific relief or remedy sought; and

(7) the name, mailing and e-mail addresses, and telephone number of the representative, if any, who will act on behalf of the claimant.

(d) *Election of Remedies for Library of Congress Employees.*—A Library claimant who initially files a claim for an alleged violation as provided in section 402 of the Act may, at any time before the date that is 10 days after a Preliminary Hearing Officer submits the report on the preliminary review of the claim pursuant to section 403, elect instead to bring the claim before the Library of Congress under the corresponding direct provision.

#### § 4.05 Right to File a Civil Action.

(a) *Civil Action.*—A covered employee may file a civil action in Federal district court pursuant to section 401(b) of the Act if the covered employee:

(1) has timely filed a claim as provided in section 402 of the Act; and

(2) has not submitted a request for an administrative hearing on the claim pursuant to section 405(a) of the Act.

(b) *Period for Filing a Civil Action.*—A civil action pursuant to section 401(b) of the Act must be filed within a 70-day period beginning on the date the claim form was filed, except where:

(1) the 70-day period is tolled as a result of the parties engaging in mediation prior to the conclusion of the 70-day period; or

(2) the Preliminary Hearing Officer determines that the claimant is not a covered employee who has stated a claim for which relief may be granted, as provided in section 4.08(f) of these Rules, in which case the civil action must be filed within a 90-day period beginning on the date the claimant receives written notice of the Preliminary Hearing Officer's decision.

(c) *Effect of Filing a Civil Action.*—If a claimant files a civil action concerning a claim during a preliminary review of that claim pursuant to section 403 of the Act, the review terminates immediately upon the filing of the civil action, and the Preliminary Hearing Officer has no further involvement.

(d) *Notification of Filing a Civil Action.*—A claimant filing a civil action in Federal district court pursuant to section 401(b) of the Act shall notify the Office within 3 days of the filing.

#### § 4.06 Initial Processing and Transmission of Claim; Notification Requirements.

(a) After receiving a claim form, the Office shall record the pleading, transmit immediately (i.e., without undue delay) a copy of the claim form to the head of the employing office and the designated representative of that office, and provide the parties with all relevant information regarding their rights under the Act, as well as a service list containing the names and addresses of the parties and their designated representatives. An employee filing an amended claim form shall serve a copy of the amended claim form upon all other parties in the manner provided by section 1.04(b). A copy of these Rules also may be provided to the parties upon request.

(b) *Notification of Availability of Mediation.*

(1) Upon receipt of a claim form, the Office shall notify the covered employee who filed the claim form about the mediation process under section 4.07 of these Rules below and the deadlines applicable to mediation.

(2) Upon transmission to the employing office of the claim, the Office shall notify the employing office about the mediation process under the Act and the deadlines applicable to mediation.



(c) *Special Notification Requirements for Claims Based on Acts by Members of Congress.*—When a claim alleges a Member personally committed a violation described in section 415(d)(1)(C) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the Office shall notify immediately (i.e., without undue delay) such Member of the claim, the possibility that the Member may be required to reimburse the account described in section 415(a) of the Act for the reimbursable portion of any award or settlement in connection with the claim, and the right of the Member under section 415(d)(8) to intervene in any mediation, hearing, or civil action under the Act concerning the claim, as well as the method of intervening.

(d) *Special Rule for Architect of the Capitol and Capitol Police Employees.*—The Executive Director, after receiving a claim filed under section 402 of the Act, may recommend that a claimant use, for a specific period of time, the grievance procedures referenced in any Memorandum of Understanding between the Office and the Architect of the Capitol or the Capitol Police. Any pending deadline in the Act relating to a claim for which the claimant uses such grievance procedures shall be stayed during that specific period of time.

#### § 4.07 Mediation.

(a) *Overview.*—Mediation is a process by which covered employees, including unpaid staff for purposes of section 201 of the Act, employing offices, and their representatives, if any, meet with a Mediator trained to assist them in resolving disputes. As participants in the mediation, employees, employing offices, and their representatives discuss alternatives to continuing their dispute, including the possibility of reaching a voluntary, mutually satisfactory resolution. The Mediator cannot impose a specific resolution, and all information discussed or disclosed in the course of any mediation shall be strictly confidential, pursuant to section 416 of the Act. Notwithstanding the foregoing, section 416 expressly provides that a covered employee may disclose the “factual allegations underlying the covered employee’s claim” and an employing office may disclose “the factual allegations underlying the employing office’s defense to the claim[.]”

(b) *Availability of Optional Mediation.*—Upon receipt of a claim filed pursuant to section 402 of the Act, the Office shall notify the covered employee and the employing office about the process for mediation and applicable deadlines. If the claim alleges a Member personally committed a violation described in section 415(d)(1)(C) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the Office shall permit the Member to intervene in the mediation. The request for mediation shall contain the claim number, the requesting party’s name, office or personal address, e-mail address, telephone number, and the opposing party’s name.

(c) *Timing.*—The covered employee or the employing office may file a written request for mediation beginning on the date that the covered employee or employing office, respectively, receives notice from the Office about the mediation process. The time to request mediation under these Rules ends on the date on which a Merits Hearing Officer issues a written decision on the claim, or the covered employee files a civil action.

(d) *Notice of Commencement of the Mediation.*—The Office shall promptly notify the opposing party or its designated representa-

tive, and any intervenor Member or the intervenor Member’s designated representative, of the request for mediation and the deadlines applicable to such mediation. When a claim alleges a Member personally committed a violation described in section 415(d)(1)(C) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, if the Member has not already intervened in the matter, the Office shall notify promptly such Member of the right to intervene in any mediation concerning the claim, as well as the method of intervening.

(e) *Selection of Mediators; Disqualification.*—Upon receipt of the opposing party’s agreement to mediate, the Executive Director shall assign one or more Mediators from a master list developed and maintained pursuant to section 404 of the Act, to commence the mediation process. Should the Mediator consider himself or herself unable to perform in a neutral role in a given situation, he or she shall withdraw from the matter and immediately shall notify the Office of the withdrawal. Any party may ask the Office to disqualify a Mediator by filing a written request, including the reasons for such request, with the Executive Director. This request shall be filed as soon as the party has reason to believe there is a basis for disqualification. The Executive Director’s decision on this request shall be final and unreviewable.

(f) *Duration and Extension.*

(1) The mediation period shall be 30 days beginning on the first day after the opposing party agrees to mediate the matter.

(2) The Executive Director shall extend the mediation period an additional 30 days upon the joint written request of the claimant and respondent, or of the appointed Mediator on behalf of the claimant and respondent. The request shall be written and filed with the Executive Director no later than the last day of the mediation period.

(g) *Effect of Mediation on Proceedings.*

Upon the claimant’s and respondent’s agreement to mediate a claim, any deadline relating to the processing of that claim that has not already passed by the first day of the mediation period, including the deadline for filing a civil action, shall be stayed during the mediation period.

(h) *Procedures.*

(1) *The Mediator’s Role.*—After assignment of the case, the Mediator will contact the parties. The Mediator has the responsibility to conduct the mediation, including deciding how many meetings are necessary and who may participate in each meeting. The Mediator may accept and may ask the parties to provide written submissions.

(2) *The Agreement to Mediate.*—At the commencement of the mediation, the Mediator will ask the participants and/or their representative to sign an agreement prepared by the Office (“the Agreement to Mediate”). The Agreement to Mediate will define what is to be kept confidential during mediation and set out the conditions under which mediation will occur, including the requirement that the participants adhere to the confidentiality of the process and a notice that a breach of the mediation agreement could result in sanctions later in the proceedings.

(i) *Participation.*—The parties, including an intervenor Member, may elect to participate in mediation proceedings through a designated representative, provided that the representative has actual authority to agree to a settlement agreement, or has immediate access to someone with actual settlement authority, and provided further that, should the Mediator deem it appropriate at any time, the physical presence in mediation of any party may be requested. The Office may

participate in the mediation process through a representative and/or observer. The Mediator may determine, as best serves the interests of mediation, whether the participants may meet jointly or separately with the Mediator. At the request of any of the parties, the parties shall be separated during mediation.

(j) *Settlement Agreements.*—At any time during mediation the parties may settle a dispute in accordance with section 9.03 of these Rules.

(k) *Conclusion of the Mediation Period and Notice.*—If, at the end of the mediation period, the parties have not resolved the matter that forms the basis of the request for mediation, the Office shall provide the employee, the Member (when applicable), the employing office, and their representatives, with written notice that the mediation period has concluded. The written notice will be e-filed, e-mailed, sent by first-class mail, faxed, or personally delivered.

(l) *Independence of the Mediation Process and the Mediator.*—The Office will maintain the independence of the mediation process and the Mediator. No individual appointed by the Executive Director to mediate may conduct or aid in a hearing conducted under section 405 of the Act with respect to the same matter or shall be subject to subpoena or any other compulsory process with respect to the same matter.

(m) *Violation of Confidentiality in Mediation.*—An allegation of a violation of the confidentiality provisions may be made by a party in mediation to the Mediator during the mediation period and, if not resolved by agreement in mediation, to a Merits Hearing Officer during proceedings brought under section 405 of the Act.

(n) *Exceptions to Confidentiality in Mediation.*—It shall not be a violation of confidentiality to provide the information required by sections 301(l) and 416(d) of the Act.

#### § 4.08 Preliminary Review of Claims.

(a) *Appointment of Preliminary Hearing Officer.*—Not later than 7 days after transmission to the employing office of a claim or claims, the Executive Director shall appoint a Hearing Officer to conduct a preliminary review of the claim or claims filed by the claimant. The appointment of the Preliminary Hearing Officer shall be in accordance with the requirements of section 405(c) of the Act. The Office shall promptly notify the parties of the appointment of the Preliminary Hearing Officer, with the notice to include the Preliminary Hearing Officer’s name.

(b) *Disqualifying a Preliminary Hearing Officer.*

(1) In the event that a Preliminary Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(2) Any party may submit a request to the Executive Director that a Preliminary Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This request shall specifically set forth the reasons supporting the request and be submitted as soon as the party has reason to believe that there is a basis for disqualification.

(3) The Executive Director shall promptly decide on the withdrawal request. If the request is granted, the Executive Director will appoint another Preliminary Hearing Officer within 3 days. Any objection to the Executive Director’s decision on the withdrawal motion shall not be deemed waived by a party’s further participation in the preliminary

review process. Such objection will not stay the conduct of the preliminary review process.

(c) *Assessments Required.*—In conducting a preliminary review of a claim or claims under this section, the Preliminary Hearing Officer shall assess each of the following:

(1) whether the claimant is a covered employee authorized to obtain relief relating to the claim(s) under the Act;

(2) whether the office which is the subject of the claim(s) is an employing office under the Act;

(3) whether the individual filing the claim(s) has met the applicable deadlines for filing the claim(s) under the Act;

(4) the identification of factual and legal issues in the claim(s);

(5) the specific relief sought by the claimant;

(6) whether, on the basis of the assessments made under subparagraphs (1) through (5), the claimant is a covered employee who has stated a claim for which, if the allegations contained in the claim are true, relief may be granted under the Act; and

(7) the potential for the settlement of the claim(s) without a formal hearing as provided under section 405 of the Act or a civil action as provided under section 408 of the Act.

(d) *Amendments to Claims.*—A claimant may file one amended claim form as a matter of right within 15 days after the filing of the initial claim form.

(e) *Report on Preliminary Review.*

(1) Except as provided in subparagraph (3), not earlier than 20 days but not later than 30 days after a claim form is filed, the Preliminary Hearing Officer shall submit to the parties, including any intervenor Member, a report on the preliminary review. The report shall include a determination whether the claimant is a covered employee who has stated at least one claim for which, if the allegations contained in the claim are true, relief may be granted under the Act. Submitting the report concludes the preliminary review.

(2) In determining whether a claimant has stated a claim for which relief may be granted under the Act, the Preliminary Hearing Officer shall:

(A) be guided by judicial and Board decisions under the laws made applicable by section 102 of the Act; and

(B) consider whether the legal contentions the claimant advocates are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(3) *Extension of Deadline.*—The Preliminary Hearing Officer may, upon notice to the individual filing the claim(s) and the respondent(s), use an additional period of not to exceed 30 days to conclude the preliminary review.

(4) *No Evidentiary Value or Preclusive Effect.*—The determinations in a report on preliminary review shall have no evidentiary value or preclusive effect in any administrative hearing before a Merits Hearing Officer or in any appeal to the Board.

(5) *No Appellate Review.*—A report on preliminary review is not subject to review by the Merits Hearing Officer or the Board.

(f) *Effect of Determination That a Claimant Is a Covered Employee Who Has Stated a Claim for Which Relief May Be Granted.*

(1) If the Preliminary Hearing Officer's report under paragraph (e) includes the determination that the claimant is a covered employee who has stated at least one claim for which relief may be granted under the Act:

(A) the claimant (including a Library claimant) may either obtain an administrative hearing as provided under section 405 of the Act concerning all claims asserted in the claim form, or file a civil action as provided

under section 408 of the Act concerning all claims asserted in the claim form; and

(B) the Preliminary Hearing Officer shall provide the claimant and the Executive Director with written notice that the claimant may either obtain an administrative hearing or file a civil action pursuant to subparagraph (A).

(2) A claimant who chooses to obtain an administrative hearing must make a request for a hearing not later than 10 days after receiving the written notice referred to in subparagraph (1)(B).

(3) A claimant who chooses to file a civil action must do so not later than 70 days after the initial filing of the claim form.

(g) *Effect of Determination That a Claimant Is Not a Covered Employee Who Has Stated a Claim for Which Relief May Be Granted.*

(1) If the Preliminary Hearing Officer's report under paragraph (e) includes the determination that the claimant is not a covered employee who has stated at least one claim for which relief may be granted under the Act:

(A) the claimant (including a Library claimant) may not obtain an administrative hearing as provided under section 405 of the Act concerning the claims asserted in the claim form; and

(B) the Preliminary Hearing Officer shall provide the claimant and the Executive Director with written notice that the claimant may file a civil action concerning the claims asserted in the claim form in accordance with section 408 of the Act.

(2) The claimant must file the civil action not later than 90 days after receiving the written notice referred to in subparagraph (1)(B).

(h) *Transmission of Report on Preliminary Review of Certain Claims to Congressional Ethics Committees.*—When a Preliminary Hearing Officer issues a report on the preliminary review of a claim alleging a violation described in section 415(d)(1)(C) of the Act, the Preliminary Hearing Officer shall transmit the report to—

(1) the Committee on Ethics of the House of Representatives, in the case of such an alleged act by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress); or

(2) the Select Committee on Ethics of the Senate, in the case of such an alleged act by a Senator.

#### **§ 4.09 Request for Administrative Hearing.**

(a) Except as provided in paragraph (b), a claimant may submit to the Executive Director a written request for an administrative hearing under section 405 of the Act not later than 10 days after the Preliminary Hearing Officer submits the report on the preliminary review of a claim under section 403(c).

(b) A claimant may not request an administrative hearing under section 405 of the Act if—

(1) the preliminary review report of the claim under section 403(c) of the Act includes the determination that the individual filing the claim is not a covered employee who has stated at least one claim for which relief may be granted, as described in section 403(d) of the Act; or

(2) the covered employee files a civil action concerning any of the claims asserted in the claim form as provided in section 408 of the Act.

(c) *Notification of Request for Administrative Hearing.*—The Office shall promptly notify the employing office or its designated representative, as well as any intervenor Member or the intervenor Member's designated representative, of the claimant's request for an administrative hearing. When a claim alleges a Member personally committed a vio-

lation described in section 415(d)(1)(A) of the Act, or a violation of an applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, if the Member has not already intervened in the matter, the Office shall notify promptly such Member of the right to intervene in any hearing concerning the claim, as well as the method of intervening.

(d) *Appointment of the Merits Hearing Officer.*

(1) Upon the filing of a request for an administrative hearing under paragraph (a) of this section, the Executive Director shall appoint an independent Merits Hearing Officer to consider the claim(s) and render a decision, who shall have the authority specified in sections 4.10 and 7.01 of these Rules below.

(2) The Preliminary Hearing Officer shall not serve as the Merits Hearing Officer in the same case.

(e) *Amendments to Claims.* Any request to amend the claim(s) after a hearing has been requested must be made by motion to the Merits Hearing Officer. The motion must be accompanied by a copy of the proposed amended claim form. Amendments to claims may be permitted in the Merits Hearing Officer's discretion provided that:

(1) the amendments relate to the claims that were subject to preliminary review pursuant to section 4.08 of these Rules; and

(2) such amendments will not unduly prejudice the rights of the employing office or of other parties, unduly delay the proceedings, or otherwise interfere with or impede the proceedings.

(f) *Answer.*

(1) Within 15 days after receiving notice of a request for an administrative hearing under paragraph (a), the respondent(s) shall file an answer with the Office and serve one copy on the claimant.

(2) In answering a claim form, a respondent must state in short and plain terms its defenses to each claim asserted against it, and admit or deny the allegations asserted against it. If the respondent lacks knowledge or information sufficient to form a belief about the truth of an allegation, the respondent must so state, and the statement has the effect of a denial.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the claim form shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motions to Dismiss.*—In addition to an answer, a respondent or intervening Member may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the claimant. Responses to any motions shall comply with section 1.04(c) of these Rules. If, on a motion to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleadings are presented to and not excluded by the Merits Hearing Officer, the motion must be treated as one for summary judgment, and all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

#### **§ 4.10 Dismissal, Summary Judgment, and Withdrawal of Claim.**

(a) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss

any claim that the Merits Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted. The findings of the Preliminary Hearing Officer shall have no evidentiary value or preclusive effect on the Merits Hearing Officer's determination.

(b) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss a claim because it fails to comply with the applicable time limits or other requirements under the Act or these Rules. The findings of the Preliminary Hearing Officer shall have no evidentiary value or preclusive effect on the Merits Hearing Officer's determination.

(c) *Failure to Proceed.*—If a claimant fails to proceed with a claim, the Merits Hearing Officer may dismiss the claim with prejudice.

(d) *Summary Judgment.*—A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on the claim.

(e) *Appeal.*—A final decision by the Merits Hearing Officer made under section 4.10 or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01 of these Rules. A final decision under sections 4.10(a)–(d) of these Rules that does not resolve all of the issues in the case before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(f) *Withdrawal of Claim.* At any time, a claimant may withdraw his or her own claim(s) by filing a notice with the Office for transmittal to the Preliminary or Merits Hearing Officer and by serving a copy on the respondent(s). Any such withdrawal must be approved by the relevant Hearing Officer and may be with or without prejudice to refile at that Hearing Officer's discretion.

#### **§ 4.11 Confidentiality.**

(a) Pursuant to section 416 of the Act, except as provided in subsections 416(c), (d) and (e), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. A violation of the confidentiality requirements of the Act and these Rules may result in the imposition of procedural or evidentiary sanctions. See also sections 1.08 and 7.12 of these Rules.

(b) The fact that a request for an administrative hearing has been filed with the Office by a covered employee shall be kept confidential by the Office, except as allowed by these Rules.

#### **§ 4.12 Automatic Referral to Congressional Ethics Committees.**

(a) Pursuant to section 416(d) of the Act, upon the final disposition of a claim alleging a violation described in section 415(d)(1)(C) committed personally by a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator, or by a senior staff member of the House of Representatives or Senate, the Executive Director shall refer the claim to—

(1) the Committee on Ethics of the House of Representatives, in the case of a Member or senior staff of the House; or

(2) the Select Committee on Ethics of the Senate, in the case of a Senator or senior staff of the Senate.

(b) Within 5 business days after the referral of a claim to the Committee on Ethics of the House of Representatives or the Select Committee on Ethics of the Senate pursuant to paragraph (a), the Executive Director shall provide the Committee with access to the records of any preliminary reviews, hearings,

or decisions of the Hearing Officers and the Board concerning the claim, and any information relating to an award or settlement paid in response to the claim.

#### **SUBPART E—[AMENDED]**

5. *Subpart E has been amended as follows:*

#### **Subpart E—General Counsel Complaints**

##### **§ 5.01 Complaints**

##### **§ 5.02 Appointment of the Merits Hearing Officer**

##### **§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaint**

##### **§ 5.04 Confidentiality**

##### **§ 5.01 Complaints.**

(a) *Who May File.*

The General Counsel may timely file a complaint alleging a violation of sections 210, 215 or 220 of the Act.

(b) *When to File.*

A complaint may be filed by the General Counsel:

(1) after the investigation of a charge filed under section 210 or 220 of the Act, or

(2) after the issuance of a citation or notification under section 215 of the Act.

(c) *Form and Contents.*

A complaint filed by the General Counsel shall be in writing, signed by the General Counsel, or his or her designee, and shall contain the following information:

(1) the name, mail and e-mail addresses, if available, and telephone number of the employing office, as applicable;

(A) each entity responsible for correction of an alleged violation of section 210(b) of the Act;

(B) each employing office alleged to have violated section 215 of the Act; or

(C) each employing office and/or labor organization alleged to have violated section 220, against which the complaint is brought;

(2) notice of the charge filed alleging a violation of section 210 or 220 of the Act and/or issuance of a citation or notification under section 215;

(3) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places, and the names and titles of the responsible individuals; and

(4) a statement of the relief or remedy sought.

(d) *Amendments.*—Amendments to the complaint may be permitted by the Office or, after assignment, by a Merits Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to address the new allegations; that the amendments, as appropriate, relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing, or otherwise interfere with or impede the proceedings.

(e) *Service of Complaint.*—Upon receipt of a complaint or an amended complaint, the Office shall serve the respondent or its designated representative by hand delivery or first-class mail, e-mail, or facsimile with a copy of the complaint or amended complaint; written notice of the availability of these Rules at [www.ocwr.gov](http://www.ocwr.gov); and a service list containing the names and addresses of the parties and their designated representatives. A copy of these Rules may also be provided if requested by either party.

(f) *Answer.*

(1) Within 15 days after receipt of a copy of a complaint or an amended complaint, the respondent shall file an answer with the Office and serve one copy on the General Counsel.

(2) In answering a complaint, a respondent must state in short and plain terms its de-

fenses to each alleged violation, and admit or deny the allegations asserted against it by an opposing party. If a respondent lacks knowledge or information sufficient to form a belief about the truth of an allegation, the respondent must so state, and the statement has the effect of a denial.

(3) Failure to deny an allegation, other than one relating to the amount of damages, or to raise a defense as to any allegation(s) shall constitute an admission of such allegation(s). Affirmative defenses not raised in an answer that could have reasonably been anticipated based on the facts alleged in the complaint shall be deemed waived.

(4) A respondent's motion for leave to amend an answer to interpose a denial or affirmative defense will ordinarily be granted unless to do so would unduly prejudice the rights of the other party or unduly delay or otherwise interfere with or impede the proceedings.

(g) *Motion to Dismiss.*—In addition to an answer, a respondent may file a motion to dismiss, or other responsive pleading with the Office and serve one copy on the complainant. Responses to any motions shall comply with section 1.04(c) of these Rules. If, on a motion to dismiss for failure to state a claim upon which relief can be granted, matters outside the pleadings are presented to and not excluded by the Merits Hearing Officer, the motion must be treated as one for summary judgment, and all parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

##### **§ 5.02 Appointment of the Merits Hearing Officer.**

Upon the filing of a complaint, the Executive Director will appoint an independent Merits Hearing Officer, who shall have the authority specified in sections 5.03 and 7.01(b) of these Rules.

##### **§ 5.03 Dismissal, Summary Judgment, and Withdrawal of Complaints.**

(a) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss any complaint that the Merits Hearing Officer finds to be frivolous or that fails to state a claim upon which relief may be granted.

(b) A Merits Hearing Officer may, after notice and an opportunity to respond, dismiss a complaint because it fails to comply with the applicable time limits or other requirements under the Act or these Rules.

(c) If the General Counsel fails to proceed with an action, the Merits Hearing Officer may dismiss the complaint with prejudice.

(d) *Summary Judgment.*—A Merits Hearing Officer may, after notice and an opportunity for the parties to address the question of summary judgment, issue summary judgment on some or all of the complaint.

(e) *Appeal.*—A final decision by the Merits Hearing Officer made under sections 5.03(a)–(d) or 7.16 of these Rules may be subject to appeal before the Board if the aggrieved party files a timely petition for review under section 8.01. A final decision under sections 5.03(a)–(d) that does not resolve all of the issues in the case(s) before the Merits Hearing Officer may not be appealed to the Board in advance of a final decision entered under section 7.16 of these Rules, except as authorized pursuant to section 7.13.

(f) *Withdrawal of Complaint by the General Counsel.*—At any time prior to the opening of the hearing, the General Counsel may withdraw his or her complaint by filing a notice with the Office for transmittal to the Merits Hearing Officer and by serving a copy on the respondent. After the opening of the hearing, any such withdrawal must be approved by the Merits Hearing Officer and may be with or without prejudice to refile at the Merits Hearing Officer's discretion.

(g) *Withdrawal from a Case by a Representative.*—A representative must provide sufficient notice to the Merits Hearing Officer

and the parties of record of his or her withdrawal from a case. Until the party designates another representative in writing, the party will be regarded as appearing pro se.

#### **§ 5.04 Confidentiality.**

Pursuant to section 416(b) of the Act, except as provided in subsections 416(c) and (f), all proceedings and deliberations of Merits Hearing Officers and the Board, including any related records, shall be confidential. Section 416(b) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Merits Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these Rules may result in the imposition of procedural or evidentiary sanctions. See also sections 1.08 and 7.12 of these Rules.

### **SUBPART F—[AMENDED]**

6. *Subpart F has been amended as follows:*

#### **Subpart F—Discovery and Subpoenas**

##### **§ 6.01 Discovery**

##### **§ 6.02 Requests for Subpoenas**

##### **§ 6.03 Service of Subpoena**

##### **§ 6.04 Proof of Service of Subpoena**

##### **§ 6.05 Motion to Quash or Limit Subpoena**

##### **§ 6.06 Enforcement of Subpoena**

##### **§ 6.07 Requirements for Sworn Statements in Support of Subpoena**

##### **§ 6.01 Discovery.**

(a) *Description.*—Discovery is the process by which a party may obtain from another person, including a party, information that is not privileged and that is relevant to any party's cause of action or defense and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties' relative access to relevant information, the parties' resources, the importance of the discovery in resolving legal issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit. Information within the scope of discovery need not be admissible in evidence in order to be discoverable. No discovery, whether oral or written, by any party shall be taken of or from an employee of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a Mediator, a Hearing Officer, or unpaid staff), including files, records, or notes produced during the confidential advising, mediation, and hearing phases of a case and maintained by the Office, the Confidential Advisor, the Mediator, or the Hearing Officer.

(b) *Initial Disclosure.*—Within 14 days after the initial conference in cases commenced by the filing of a claim pursuant to section 402(a) of the Act, and except as otherwise stipulated or ordered by the Merits Hearing Officer, a party must, without awaiting a discovery request, provide to the other parties: the name and, if known, mail and e-mail addresses, and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its causes of action or defenses; and a copy or a description by category and location of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses.

(c) *Discovery Availability.*—Pursuant to section 405(e) of the Act, reasonable prehearing discovery may be permitted at the Merits Hearing Officer's discretion.

(1) The parties may take discovery by one or more of the following methods: depositions upon oral examination or written questions; written interrogatories; production of

documents or things or permission to enter upon land or other property for inspection or other purposes; physical and mental examinations; and requests for admissions. Nothing in section 415(d) of the Act—dealing with reimbursements by Members of Congress of amounts paid as settlements and awards—may be construed to require the claimant to be deposed by counsel for the intervening member in a deposition that is separate from any other deposition taken of the claimant in connection with the hearing.

(2) The Merits Hearing Officer may adopt standing orders or make any order setting forth the forms and extent of discovery, including orders limiting the number of depositions, interrogatories, and requests for production of documents, and also may limit the length of depositions.

(3) The Merits Hearing Officer may issue any other order to prevent discovery or disclosure of confidential or privileged materials or information, as well as hearing preparation materials and any other information deemed not discoverable, or to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

(d) *Claims of Privilege.*

(1) *Information Withheld.*—Whenever a party withholds information otherwise discoverable under these Rules by claiming that it is privileged or confidential or subject to protection as hearing or trial preparation materials, the party shall make the claim of privilege expressly in writing and shall describe the nature of the documents, communications or things not produced or disclosed in a manner that, without revealing whether the information itself is privileged or protected, will enable other parties to assess the applicability of the privilege or protection. A party must make a claim for privilege no later than the due date to produce the information.

(2) *Information Produced as Inadvertent Disclosure; Sealing All or Part of the Record.*—If information produced in discovery is subject to a claim of privilege or of protection as hearing preparation material, the party making the claim of privilege may notify any party that received the information of the claim of privilege and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim of privilege is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information to the Merits Hearing Officer or the Board under seal for a determination of the claim of privilege. The producing party must preserve the information until the claim of privilege is resolved.

#### **§ 6.02 Request for Subpoena.**

(a) *Authority to Issue Subpoenas.*—At the request of a party, the Merits Hearing Officer may issue subpoenas for the attendance and testimony of witnesses and for the production of correspondence, books, papers, documents, or other records. The attendance of witnesses and the production of records may be required from any place within the United States. However, no subpoena shall be issued for the attendance or testimony of an employee or agent of the Office of Congressional Workplace Rights (including but not limited to a Board member, the Executive Director, the General Counsel, a Confidential Advisor, a Mediator, a Hearing Officer, or unpaid staff), or for the production of files, records, or notes created by such employee of the Office during the confidential advising process, in mediation, or at the hearing. Employing offices shall endeavor to make their

employees available for discovery and hearing without requiring a subpoena.

(b) *Request.*—A request to issue a subpoena requiring the attendance and testimony of witnesses or the production of documents or other evidence under paragraph (a) above shall be submitted to the Merits Hearing Officer at least 15 days before the scheduled hearing date. If the subpoena is sought as part of the discovery process, the request shall be submitted to the Merits Hearing Officer at least 10 days before the date that a witness must attend a deposition or the date for the production of documents. The Merits Hearing Officer may waive the time limits stated above for good cause.

(c) *Forms and Showing.*—Requests for subpoenas shall be submitted in writing to the Merits Hearing Officer and shall specify with particularity the witness, correspondence, books, papers, documents, or other records desired and shall be supported by a showing of general relevance and reasonable scope.

(d) *Rulings.*—The Merits Hearing Officer shall promptly rule on subpoena requests.

#### **§ 6.03 Service of Subpoena.**

Subpoenas shall be served in the manner provided under Rule 45(b) of the Federal Rules of Civil Procedure. Service of a subpoena may be made by any person who is over 18 years of age and is not a party to the proceeding.

#### **§ 6.04 Proof of Service of Subpoena.**

When service of a subpoena is effected, the person serving the subpoena shall certify the date and the manner of service. The party on whose behalf the subpoena was issued shall file the server's certification with the Merits Hearing Officer.

#### **§ 6.05 Motion to Quash or Limit Subpoena.**

Any person against whom a subpoena is directed may file a motion to quash or limit the subpoena setting forth the reasons why the subpoena should not be complied with or why it should be limited in scope. This motion shall be filed with the Merits Hearing Officer before the time specified in the subpoena for compliance and not later than 10 days after service of the subpoena. The Merits Hearing Officer should promptly rule on a motion to quash or limit and ensure that the person receiving the subpoena is made aware of the ruling.

#### **§ 6.06 Enforcement of Subpoena.**

(a) *Objections and Requests for Enforcement.*—If a person has been served with a subpoena pursuant to section 6.03 of these Rules, but fails or refuses to comply with its terms or otherwise objects to it, the party or person objecting or the party seeking compliance may seek a ruling from the Merits Hearing Officer. The request for a ruling shall be submitted in writing to the Merits Hearing Officer. However, it may be made orally on the record at the hearing at the discretion of the Merits Hearing Officer. The party seeking compliance shall present the proof of service and, except when the witness was required to appear before the Merits Hearing Officer, shall submit evidence, by affidavit or declaration, of the failure or refusal to obey the subpoena.

(b) *Ruling by the Merits Hearing Officer.*

(1) The Merits Hearing Officer shall promptly rule on the request for enforcement and/or the objection(s).

(2) On request of the objecting witness or any party, the Merits Hearing Officer shall—or on the Merits Hearing Officer's own initiative, the Merits Hearing Officer may—refer the ruling to the Board for review.

(c) *Review by the Board.*—The Board may overrule, modify, remand, or affirm the Merits Hearing Officer's ruling and, in its discretion, may direct the General Counsel to apply in the name of the Office for an order

from a United States district court to enforce the subpoena.

(d) *Application to an Appropriate Court; Civil Contempt.*—If a person fails to comply with a subpoena, the Board may direct the General Counsel to apply, in the name of the Office, to an appropriate United States district court for an order requiring that person to appear before the Merits Hearing Officer to give testimony or produce records. Any failure to obey a lawful order of the district court may be held by such court to be a civil contempt thereof.

#### **§ 6.07 Requirements for Sworn Statements.**

Any time that the Merits Hearing Officer requires an affidavit or sworn statement from a party or a witness, he or she should refer the party or witness to a sample declaration under 28 U.S.C. § 1746, which substantially requires:

(a) If executed within the United States, its territories, possessions, or commonwealths: “I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

(b) If executed outside the United States: “I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”

#### **SUBPART G—[AMENDED]**

7. *Subpart G has been amended as follows:*

#### **Subpart G—Hearings**

##### **§ 7.01 The Merits Hearing Officer**

##### **§ 7.02 Sanctions**

##### **§ 7.03 Disqualification or Withdrawal of a Merits Hearing Officer**

##### **§ 7.04 Motions, Initial Conference, and Pre-hearing Conference**

##### **§ 7.05 Scheduling the Hearing**

##### **§ 7.06 Consolidation and Joinder of Cases**

##### **§ 7.07 Conduct of Hearing; Disqualifying a Representative**

##### **§ 7.08 Transcript**

##### **§ 7.09 Admissibility of Evidence**

##### **§ 7.10 Stipulations**

##### **§ 7.11 Official Notice**

##### **§ 7.12 Confidentiality**

##### **§ 7.13 Immediate Board Review of a Merits Hearing Officer's Ruling**

##### **§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs**

##### **§ 7.15 Closing the Record**

##### **§ 7.16 Merits Hearing Officer Decisions; Entry in Office Records; Correcting the Record; Motions to Alter, Amend or Vacate the Decision.**

##### **§ 7.01 The Merits Hearing Officer.**

This subpart concerns the duties and responsibilities of Merits Hearing Officers, who are appointed by the Executive Director to preside over the administrative hearings under the Act. The duties and responsibilities of Preliminary Hearing Officers are contained in section 4.08 of these Rules.

(a) *Exercise of Authority.*—The Merits Hearing Officer may exercise authority as provided in paragraph (b) of this section upon his or her own initiative or upon a party's motion, as appropriate.

(b) *Authority.*—Merits Hearing Officers shall conduct fair and impartial hearings and take all necessary action to avoid undue delay in disposing of all proceedings. They shall have all powers necessary to that end unless otherwise limited by law, including, but not limited to, the authority to:

- (1) administer oaths and affirmations;
- (2) rule on motions to disqualify designated representatives;
- (3) issue subpoenas in accordance with section 6.02 of these Rules;
- (4) rule upon offers of proof and receive relevant evidence;

(5) rule upon discovery issues as appropriate under sections 6.01 to 6.06 of these Rules;

(6) hold initial and prehearing conferences for simplifying issues and exploring settlement;

(7) convene a hearing, regulate the course of the hearing, maintain decorum at the hearing, and exclude from the hearing any person who disrupts, or threatens to disrupt, that decorum;

(8) exclude from the hearing any person, except any claimant, any party, the attorney or representative of any claimant or party, or any witness while testifying;

(9) rule on all motions, witness and exhibit lists, and proposed findings, including motions for summary judgment;

(10) require the filing of briefs, memoranda of law, and the presentation of oral argument as to any question of fact or law;

(11) order the production of evidence and the appearance of witnesses;

(12) impose sanctions as provided under section 7.02 of these Rules;

(13) file decisions on the issues presented at the hearing;

(14) dismiss any claim, complaint, or portion thereof that is found to be frivolous or that fails to state a claim upon which relief may be granted;

(15) maintain and enforce the confidentiality of proceedings; and

(16) waive or modify any procedural requirements of subparts F and G of these Rules so long as permitted by the Act.

#### **§ 7.02 Sanctions.**

(a) When necessary to regulate the course of the proceedings (including the hearing), the Merits Hearing Officer may impose an appropriate sanction, which may include, but is not limited to, the sanctions specified in this section, on the parties and/or their representatives.

(b) The Merits Hearing Officer may impose sanctions upon the parties and/or their representatives based on, but not limited to, the circumstances set forth in this section.

(1) *Failure to Comply With an Order.*—When a party fails to comply with an order (including an order to submit to a deposition, to produce evidence within the party's possession, custody, or control, or to produce witnesses), the Merits Hearing Officer may:

(A) draw an inference in favor of the requesting party on the issue related to the information sought;

(B) stay further proceedings until the order is obeyed;

(C) prohibit the party failing to comply with such order from introducing evidence concerning, or otherwise relying upon, evidence relating to the information sought;

(D) permit the requesting party to introduce secondary evidence concerning the information sought;

(E) strike, in whole or in part, the claim, complaint, briefs, answer, or other submissions of the party failing to comply with the order, as appropriate; or

(F) direct judgment against the non-complying party in whole or in part.

(2) *Failure to Prosecute or Defend.*—If a party fails to prosecute or defend a position, the Merits Hearing Officer may dismiss the action in whole or in part, with or without prejudice, or decide the matter when appropriate.

(3) *Failure to Make Timely Filing.*—The Merits Hearing Officer may refuse to consider any request, motion, or other action that is not filed in a timely fashion in compliance with this subpart.

(4) *Frivolous Claims, Defenses, and Arguments.*—If a party or the party's designated representative files a claim that fails to meet the requirements of section 401(f) of the

Act, the Merits Hearing Officer may dismiss the claim in whole or in part, with or without prejudice, or decide the matter for the opposing party. If a party or the party's designated representative presents a pleading, discovery request or response, motion, or other paper containing claims, defenses, or other legal contentions, for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of resolution of the matter, the Merits Hearing Officer may reject the pleading, discovery request or response, motion, or other paper, in whole or in part. A pleading, discovery request or response, motion, or other paper containing claims, defenses, or other legal contentions shall not be subject to sanctions if it is supported by or constitutes a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law.

(5) *Failure to Maintain Confidentiality.*—An allegation regarding a violation of the confidentiality provisions contained in the Act, these Rules, or an order of a Merits Hearing Officer may be made to a Merits Hearing Officer in proceedings under section 405 of the Act. If, after notice and hearing, the Merits Hearing Officer determines that a party has violated confidentiality, the Merits Hearing Officer may:

(A) direct that the matters related to the breach of confidentiality or other designated facts be taken as established for purposes of the action, as the prevailing party contends;

(B) prohibit the party breaching confidentiality from supporting or opposing designated claims or defenses, or from introducing designated matters in evidence;

(C) strike the pleadings in whole or in part;

(D) stay further proceedings until the breach of confidentiality is resolved to the extent possible;

(E) dismiss the action or proceeding in whole or in part; or

(F) render a default judgment against the party breaching confidentiality.

(c) No sanctions may be imposed under this section except for good cause, the particulars of which must be stated in the sanction order.

#### **§ 7.03 Disqualification or Withdrawal of a Merits Hearing Officer.**

(a) In the event that a Merits Hearing Officer considers himself or herself disqualified, either because of personal bias or of an interest in the case or for some other disqualifying reason, he or she shall withdraw from the case, stating in writing or on the record the reasons for his or her withdrawal, and shall immediately notify the Office of the withdrawal.

(b) Any party may file a motion requesting that a Merits Hearing Officer withdraw on the basis of personal bias or of an interest in the case or for some other disqualifying reason. This motion shall specifically set forth the reasons supporting the request and be filed as soon as the party has reason to believe that there is a basis for disqualification.

(c) The Merits Hearing Officer shall promptly rule on the withdrawal motion. If the motion is granted, the Executive Director will appoint another Merits Hearing Officer within 5 days. Any objection to the Merits Hearing Officer's ruling on the withdrawal motion shall not be deemed waived by a party's further participation in the hearing and may be the basis for an appeal to the Board from the Merits Hearing Officer's decision under section 8.01 of these Rules. Such objection will not stay the conduct of the hearing.

#### **§ 7.04 Motions, Initial Conference, and Pre-hearing Conference.**

(a) *Motions.*—Unless otherwise provided in these Rules, motions shall be filed with the

Merits Hearing Officer and shall be in writing except for oral motions made on the record during the hearing. All written motions and any responses to them shall include a proposed order, when applicable. Only with the Merits Hearing Officer's advance approval may either party file additional responses to the motion or to the response to the motion. Motions for extension of time will be granted only for good cause shown.

(b) *Scheduling the Initial Conference.*—Within 7 days after a claim is assigned to a Merits Hearing Officer, the Merits Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the initial conference, except that the Executive Director may, for good cause, extend up to an additional 7 days the time for serving notice of the initial conference. As required by section 6.01(b) of these Rules, initial disclosures shall be due within 14 days of the initial conference.

(c) *Initial Conference Memoranda.*—The Merits Hearing Officer may order each party to prepare an initial conference memorandum. The memorandum may include:

(1) a proposed discovery plan, including the number of depositions, interrogatories, requests for production, requests for admissions, and other discovery devices that the party anticipates requesting;

(2) a proposed schedule for the filing of any dispositive motions;

(3) a proposed date for the prehearing conference; and

(4) a proposed schedule for the hearing.

(d) *The Prehearing Conference.*—Within 7 days after the initial conference, the Merits Hearing Officer shall serve on the parties and their designated representatives written notice setting forth the time, date, and place of the prehearing conference, which shall not take place until the period provided for discovery, if any, has ended. The Merits Hearing Officer may order each party to prepare a prehearing conference memorandum after discovery has concluded. The memorandum may include:

(1) the major factual contentions and legal issues that the party intends to raise at the hearing in short, successive, and numbered paragraphs, along with any proposed stipulations of fact or law;

(2) an estimate of the time necessary for presenting the party's case;

(3) the specific relief, including, when known, a calculation of any monetary relief or damages that is being or will be requested;

(4) the names of potential witnesses for the party's case (except for potential impeachment or rebuttal witnesses) and the purpose for which they will be called, a list of documents that the party is seeking from the opposing party, and the status of any pending request for discovery. (It is not necessary to list each document requested. Instead, the party may refer to the request for discovery.); and

(5) a brief description of any other unresolved issues.

(d) At the prehearing conference, the Merits Hearing Officer may discuss the subjects specified in paragraph (d) above and the manner in which the hearing will be conducted. In addition, the Merits Hearing Officer may explore settlement possibilities and consider how the factual and legal issues might be simplified and any other issues that might expedite resolving the dispute. The Merits Hearing Officer shall issue an order, which recites the actions taken at the conference and the parties' agreements as to any matters considered, and which limits the issues to those not disposed of by the parties' admissions, stipulations, or agreements.

Such order, when entered, shall control the course of the hearing, subject to later modification by the Merits Hearing Officer by his or her own motion or upon proper request of a party for good cause shown.

#### **§ 7.05 Scheduling the Hearing.**

(a) *Date, Time, and Place of Hearing.*—The Office shall issue the notice of hearing, which shall fix the date, time, and place of hearing. Absent a postponement granted by the Office, a hearing on a claim pursuant to section 405 of the Act must commence no later than 90 days after the Executive Director receives the claimant's request for a hearing under section 405 of the Act.

(b) *Motions for Postponement of Commencement of a Hearing.*—Motions for postponement of the commencement of a hearing by either party shall be made in writing to the Office, shall set forth the reasons for the request, and shall state whether the opposing party consents to or opposes postponement. Upon mutual agreement of the parties or for good cause shown, the Office shall extend the time for commencing a hearing for not more than an additional 30 days.

(c) *Continuance of Hearing after Commencement.*—A party seeking a continuance of a hearing may do so by oral or written motion to the Merits Hearing Officer. Such motion shall include the reasons for the requested continuance and shall state whether any opposing party consents to or opposes the requested continuance. The Merits Hearing Officer may grant such a motion upon mutual agreement of the parties or for good cause shown.

#### **§ 7.06 Consolidation and Joinder of Cases.**

(a) *Explanation.*

(1) Consolidation is when two or more parties have cases that might be treated as one because they contain identical or similar issues or in such other appropriate circumstances.

(2) Joinder is when one party has two or more cases pending and they are united for consideration. For example, joinder might be warranted when a single party has one case pending challenging a 30-day suspension and another case pending challenging a subsequent dismissal.

(b) *Authority.*—The Executive Director (before assigning a Merits Hearing Officer to adjudicate a claim), a Merits Hearing Officer (prior to or during the hearing), or the Board (during an appeal) may consolidate or join cases on their own initiative or on the motion of a party if to do so would expedite case processing and not adversely affect the parties' interests, taking into account the confidentiality requirements of section 416 of the Act.

#### **§ 7.07 Conduct of Hearing; Disqualifying a Representative.**

(a) Pursuant to section 405(d)(1) of the Act, the Merits Hearing Officer shall conduct the hearing in closed session on the record. Only the Merits Hearing Officer, the parties and their representatives, and witnesses during the time they are testifying, shall be permitted to attend the hearing, except that the Office may not be precluded from observing the hearing. The Merits Hearing Officer, or a person designated by the Merits Hearing Officer or the Executive Director, shall record the proceedings electronically and/or stenographically.

(b) The hearing shall be conducted as an administrative proceeding. Witnesses shall testify under oath or affirmation. Except as specified in the Act and in these Rules, the Merits Hearing Officer shall conduct the hearing, to the greatest extent practicable, consistent with the principles and procedures in sections 554 through 557 of title 5 of the United States Code (the Administrative Procedure Act).

(c) No later than the commencement of the hearing, or as otherwise ordered by the Merits Hearing Officer, each party shall submit to the Merits Hearing Officer and to each opposing party typed lists of the party's hearing exhibits and the witnesses the party expects to call to testify. A party may exclude from the lists any documents or witnesses intended solely for impeachment or rebuttal.

(d) At the commencement of the hearing, or as otherwise ordered by the Merits Hearing Officer, the Merits Hearing Officer may consider any stipulations of facts and law pursuant to section 7.10 of these Rules, take official notice of certain facts pursuant to section 7.11 of these Rules, rule on the parties' objections, and hear witness testimony. Each party must present his or her case in a concise manner, limiting the testimony of witnesses and submission of documents to relevant matters.

(e) Any evidentiary objection not timely made before a Merits Hearing Officer shall, absent clear error, be deemed waived on appeal to the Board.

(f) Failure of any party to appear at the hearing, to present witnesses or evidence, or to respond to an evidentiary order may result in an adverse finding or ruling by the Merits Hearing Officer. At the Merits Hearing Officer's discretion, the hearing also may be held without a party if the party's representative is present. Unless called to testify as a witness, an intervenor Member shall be permitted, but not required, to attend the hearing either in person or through the presence of a representative.

(g) If the Merits Hearing Officer concludes that the representative of a claimant, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, the Merits Hearing Officer may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

#### **§ 7.08 Transcript.**

(a) *Preparation.*—The Office shall keep an accurate electronic or stenographic hearing record, which shall be the sole official record of the proceeding. The Office shall be responsible for the cost of transcribing the hearing. Upon request, a copy of the hearing transcript shall be furnished to each party, provided, however, that such party has first agreed to maintain and respect the confidentiality of such transcript in accordance with the applicable rules prescribed by the Office or the Merits Hearing Officer to effectuate section 416(b) of the Act. Additional copies of transcripts shall be made available to a party at the party's expense. The Office may grant exceptions to the payment requirement for good cause shown. A motion for an exception shall be made in writing, accompanied by an affidavit or a declaration setting forth the reasons for the request, and submitted to the Office. Requests for copies of transcripts also shall be directed to the Office. The Office may, by agreement with the person making the request, arrange with the official hearing reporter for required services to be charged to the requester.

(b) *Corrections.*—Corrections to the official transcript of the hearing will be permitted. Motions for correction must be submitted within 10 days of service of the transcript upon the parties. Corrections to the official transcript will be permitted only upon the approval of the Merits Hearing Officer. The Merits Hearing Officer may make corrections at any time with notice to the parties.



**§ 7.09 Admissibility of Evidence.**

The Merits Hearing Officer shall apply the Federal Rules of Evidence to the greatest extent practicable. The Merits Hearing Officer may exclude evidence if, among other things, it constitutes inadmissible hearsay or its probative value is substantially outweighed by the danger of unfair prejudice, by confusion of the issues, or by considerations of undue delay, waste of time, or needless presentation of cumulative evidence.

**§ 7.10 Stipulations.**

The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

**§ 7.11 Official Notice.**

(a) The Merits Hearing Officer on his or her own motion or on motion of a party, may take official notice of a fact that is not subject to reasonable dispute because it is either:

- (1) a matter of common knowledge; or
- (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Official notice taken of any fact satisfies a party's burden of proving the fact noticed.

(b) When a decision, or part thereof, rests on the official notice of a material fact not appearing in the evidence in the record, the fact of official notice shall be so stated in the decision, and any party, upon timely request, shall be afforded an opportunity to show the contrary.

**§ 7.12 Confidentiality.**

(a) Pursuant to section 416 of the Act and section 1.08 of these Rules, all proceedings and deliberations of Merits Hearing Officers and the Board, including the hearing transcripts and any related records, shall be confidential, except as specified in sections 416(c), (d), (e), and (f) of the Act and section 1.08(d) of these Rules. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the Merits Hearing Officers' and the Board's deliberations under that section.

(b) *Violation of Confidentiality.*—A Merits Hearing Officer, under section 405 of the Act, may resolve an alleged violation of confidentiality that occurred during a hearing. After providing notice and an opportunity to the parties to be heard, the Merits Hearing Officer, under section 1.08(f) of these Rules, may find a violation of confidentiality and impose appropriate procedural or evidentiary sanctions, to include the sanctions listed in section 7.02 of these Rules.

**§ 7.13 Immediate Board Review of a Hearing Officer's Ruling.**

(a) *Review Strongly Disfavored.*—Board review of a Merits Hearing Officer's ruling while a proceeding is ongoing (an interlocutory appeal) is strongly disfavored. In general, the Board may consider a request for interlocutory appeal only if the Merits Hearing Officer, on his or her own motion or on motion of a party, certifies and forwards a request for interlocutory appeal to the Board.

(b) *Time for Filing.*—A party must file a motion for interlocutory appeal of a Merits Hearing Officer's ruling with the Merits Hearing Officer within 5 days after service of the ruling upon the parties. The motion shall include arguments in support of both interlocutory appeal and the requested determination to be made by the Board upon review. Responses, if any, shall be filed with the Hearing Officer within 3 days after service of the motion.

(c) *Standards for Review.*—In determining whether to certify and forward a request for interlocutory appeal to the Board, the Merits Hearing Officer shall consider the following:

(1) whether the ruling involves a significant question of law or policy about which there is substantial ground for difference of opinion;

(2) whether an immediate Board review of the Merits Hearing Officer's ruling will materially advance completing the proceeding; and

(3) whether denial of immediate review will cause undue harm to a party or the public.

(d) *Merits Hearing Officer Action.*—If all the conditions set forth in paragraph (c) are met, the Merits Hearing Officer shall certify and forward a request for interlocutory appeal to the Board for its immediate consideration. Any such submission shall explain the basis on which the Merits Hearing Officer concluded that the standards in paragraph (c) have been met. The Merits Hearing Officer's decision to forward or decline to forward a request for review is not appealable.

(e) *Granting or Denying an Interlocutory Appeal Is Within the Board's Sole Discretion.*—The Board, in its sole discretion, may grant or deny an interlocutory appeal, upon the Merits Hearing Officer's certification and decision to forward a request for review. The Board's decision to grant or deny an interlocutory appeal is not appealable.

(f) *Stay Pending Interlocutory Appeal.*—Unless otherwise directed by the Board, the stay of any proceedings during the pendency of either a request for interlocutory appeal or the appeal itself shall be within the Merits Hearing Officer's discretion, provided that no stay shall serve to toll the time limits set forth in section 405(d) of the Act. If the Merits Hearing Officer does not stay the proceedings, the Board may do so while an interlocutory appeal is pending before it.

(g) *Procedures Before the Board.*—Upon its decision to grant interlocutory appeal, the Board shall issue an order setting forth the procedures that will be followed in the conduct of that review.

(h) *Appeal of a Final Decision.*—Denial of interlocutory appeal will not affect a party's right to challenge rulings, which are otherwise appealable, as part of an appeal to the Board under section 8.01 of these Rules from the Merits Hearing Officer's decision issued under section 7.16 of these Rules.

**§ 7.14 Proposed Findings of Fact and Conclusions of Law; Posthearing Briefs.**

The Merits Hearing Officer may require the parties to file proposed findings of fact and conclusions of law and/or posthearing briefs on the factual and the legal issues presented in the case.

**§ 7.15 Closing the Record.**

(a) Except as provided in section 7.14 of these Rules, the record shall close when the hearing ends. However, the Merits Hearing Officer may hold the record open as necessary to allow the parties to submit arguments, briefs, documents, or additional evidence previously identified for introduction.

(b) Once the record is closed, no additional evidence or argument shall be accepted into the hearing record except upon a showing that new and material evidence has become available that was not available despite due diligence before the record closed, or that the additional evidence or argument is being provided in rebuttal to new evidence or argument that another party submitted just before the record closed. The Merits Hearing Officer also shall make part of the record an approved correction to the transcript.

**§ 7.16 Merits Hearing Officer Decisions; Entry in Office Records; Corrections to the Record; Motions to Alter, Amend, or Vacate the Decision.**

(a) The Merits Hearing Officer shall issue a written decision no later than 90 days after the hearing ends, pursuant to section 405(g) of the Act.

(b) The Merits Hearing Officer's written decision shall:

- (1) state the issues raised in the claim form or complaint;
- (2) describe the evidence in the record;
- (3) contain findings of fact and conclusions of law, and the reasons or bases therefore, on all the material issues of fact, law, or discretion presented on the record;
- (4) determine whether a violation has occurred; and
- (5) order such remedies as are appropriate under the Act.

(c) If the Merits Hearing Officer's written decision concerns a claim alleging a violation or violations described in section 415(d)(1)(C) of the Act, the written decision shall include the following findings:

- (1) whether the alleged violation or violations occurred;
- (2) whether any violation or violations found to have occurred were committed personally by an individual who, at the time of committing the violation, was a Member of the House of Representatives (including a Delegate or Resident Commissioner to the Congress) or a Senator;
- (3) the amount of compensatory damages, if any, awarded pursuant to section 415(d)(1)(B) of the Act; and
- (4) the amount, if any, of compensatory damages that is the "reimbursable portion" as defined by section 415(d) of the Act.

(d) Upon issuance, the Merits Hearing Officer's written decision shall be entered into the Office's records.

(e) The Office shall promptly provide a copy of the Merits Hearing Officer's written decision to the parties. In the case of a decision that finds that an amount of damages is reimbursable, as described in subparagraph (c)(4) of this section, the Office shall promptly provide a copy of the Merits Hearing Officer's written decision to the Member responsible for that reimbursement, regardless of whether the Member has intervened in the action.

(f) If there is no appeal of a Merits Hearing Officer's decision, that decision becomes a final decision of the Office, which is subject to enforcement under section 8.03 of these Rules.

(g) *Corrections to the Record.*—After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, the Merits Hearing Officer may issue an erratum notice to correct simple errors or easily correctible mistakes. The Merits Hearing Officer may do so on a party's motion or on his or her own motion with or without advance notice.

(h) After a Merits Hearing Officer's decision has been issued, but before an appeal is made to the Board, or absent an appeal, before the decision becomes final, a party to the proceeding before the Merits Hearing Officer may move to alter, amend, or vacate the decision. The moving party must establish that relief from the decision is warranted because: (1) of mistake, inadvertence, surprise, or excusable neglect; (2) there is newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new hearing; (3) there has been fraud (misrepresentation or misconduct) by an opposing party; (4) the decision is void; (5) the decision has been satisfied, released, or discharged; (6) the decision



is based on an earlier decision that has been reversed or vacated or on a provision of law that has been amended, repealed, or ruled unconstitutional; or (7) applying the decision prospectively is no longer equitable. The motion shall be filed within 15 days after service of the Merits Hearing Officer's decision. No response shall be filed unless the Merits Hearing Officer so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the Merits Hearing Officer's action unless the Merits Hearing Officer so orders.

#### **SUBPART H—[AMENDED]**

8. *Subpart H has been amended as follows:*

#### **Subpart H—Proceedings before the Board**

##### **§ 8.01 Appeal to the Board**

##### **§ 8.02 Reconsideration**

##### **§ 8.03 Compliance with Final Decisions, Requests for Enforcement**

##### **§ 8.04 Judicial Review**

##### **§ 8.05 Application for Review of an Executive Director Action**

##### **§ 8.06 Exceptions to Arbitration Awards**

##### **§ 8.07 Expedited Review of Negotiability**

##### **§ 8.08 Procedures of the Board in Impasse Proceedings**

##### **§ 8.01 Appeal to the Board.**

(a) *Petition for Review.*—No later than 30 days after the entry of the decision of the Merits Hearing Officer in the records of the Office pursuant to section 7.16(d) of these Rules, an aggrieved party may seek review of that decision and order by the Board by filing with the Office a petition for review by the Board. The appeal must be served on all opposing parties or their representatives.

(b) *No Appeal of Report on Preliminary Review.*—A Report on Preliminary Review issued pursuant to section 403(c) of the Act is not appealable to the Board.

(c) *Briefs on Appeal.*

(1) Unless otherwise ordered by the Board, within 21 days following the filing of a petition for review by the Board, the appellant shall file and serve a supporting brief in accordance with section 1.04 of these Rules. That brief shall identify with particularity those findings or conclusions in the Merits Hearing Officer's decision that are being challenged and shall refer specifically to the portions of the record and the provisions of statutes or rules that are alleged to support each assertion made on appeal.

(2) Unless otherwise ordered by the Board, within 21 days following the service of the appellant's brief, any opposing party may file and serve a responsive brief. Unless otherwise ordered by the Board, within 10 days following the service of the responsive brief(s), the appellant may file and serve a reply brief.

(3) In any case in which the Board has not rendered a determination on the merits, the Executive Director is authorized to: determine any request for extensions of time to file any post-petition for review document or submission with the Board; determine any request for enlargement of page limitation of any post-petition for review document or submission with the Board; or require proof of service where there are questions of proper service.

(d) *Oral Argument.*—Upon the request of any party or upon its own order, the Board, in its discretion, may hold oral argument on an appeal.

(e) *Decision of the Board.*—Upon appeal, the Board shall issue a written decision setting forth the reasons for its decision. The Board may dismiss the appeal or affirm, reverse, modify, or remand the decision of the Merits Hearing Officer in whole or in part. Where there is no remand, the decision of the Board shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review.

(f) *Remand.*—The Board may remand the matter to a Merits Hearing Officer for further action or proceedings, including the re-opening of the record for the taking of additional evidence. The decision by the Board to remand a case is not subject to judicial review under section 407 of the Act. The procedures for a remanded hearing shall be governed by subparts F, G, and H of these Rules. The Merits Hearing Officer shall render a decision or report to the Board, as ordered, at the conclusion of proceedings on the remanded matters. A decision of the Board following completion of the remand shall be entered in the records of the Office as the final decision of the Board and shall be subject to judicial review under section 407 of the Act.

(g) *Standard of Review.*—Pursuant to section 406(c) of the Act, in conducting its review of the decision of a Merits Hearing Officer, the Board shall set aside a decision if it determines that the decision was:

(1) arbitrary, capricious, an abuse of discretion, or otherwise not consistent with law;

(2) not made consistent with required procedures; or

(3) unsupported by substantial evidence.

(h) *Review of Record.*—In making determinations under paragraph (g), the Board shall review the whole record, or those parts of it cited by a party, and due account shall be taken of the rule of prejudicial error.

(i) *Record.*—The docket sheet, claim form or complaint and any amendments, preliminary review report, request for hearing, notice of hearing, answer and any amendments, motions, rulings, orders, stipulations, exhibits, documentary evidence, any portions of depositions admitted into evidence, docketed Memoranda for the Record, or correspondence between the Office and the parties, and the transcript of the hearing (together with any electronic recording of the hearing if the original reporting was performed electronically), together with the Merits Hearing Officer's decision and the petition for review, any response thereto, any reply to the response, and any other pleadings, shall constitute the record in the case.

(j) *Amicus Participation.*—The Board may invite amicus participation, in appropriate circumstances, in a manner consistent with the requirements of section 416 of the Act.

(k) *Withdrawal of Petition for Review.*—An appellant may move to withdraw a petition for review at any time before the Board renders a decision. The motion must be in writing and submitted to the Board. The Board, at its discretion, may grant or deny such a motion and take whatever action is required.

##### **§ 8.02 Reconsideration.**

After a final decision or order of the Board has been issued, a party to the proceeding before the Board who can establish in its moving papers that reconsideration is necessary because the Board has overlooked or misapprehended points of law or fact, may move for reconsideration of such final decision or order. The motion shall be filed within 15 days after service of the Board's decision or order. No response shall be filed unless the Board so orders. The filing and pendency of a motion under this provision shall not relieve a party of the obligation to file a timely appeal or operate to stay the action of the Board unless so ordered by the Board. The decision to grant or deny a motion for reconsideration is within the sole discretion of the Board and is not appealable.

##### **§ 8.03 Compliance with Final Decisions, Requests for Enforcement.**

(a) *Compliance Report and Petitions.*—Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections

210(d)(5) and 215(c)(6) of the Act, a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved. A party may also file a petition for attorney's fees and/or damages unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of the appeal pursuant to section 407 of the Act.

(b) *Additional Reports.*—The Office may require additional reports as necessary.

(c) *Failure to File Compliance Report.*—If the Office does not receive notice of compliance in accordance with paragraph (a) of this section, the Office shall make inquiries to determine the status of compliance. If the Office cannot determine that full compliance is forthcoming, the Office shall report the failure to comply to the Board and recommend whether court enforcement of the decision should be sought.

(d) *Petition for Enforcement.*—To the extent provided in section 407(a) of the Act and section 8.04 of these Rules, the appropriate party may petition the Board for enforcement of a final decision of the Office or the Board. The petition shall specifically set forth the reasons why the petitioner believes enforcement is necessary.

(e) *Notice to Show Cause.*—Upon receipt of a report of noncompliance or a petition for enforcement of a final decision, or as it otherwise determines, the Board may issue a notice to any person or party to show cause why the Board should not seek judicial enforcement of its decision or order.

(f) *Petition to Court.*—The Board, in its discretion, may direct the General Counsel to petition the court for enforcement under section 407(a)(2) of the Act of a decision under section 406(e) of the Act whenever the Board finds that a party has failed to comply with its decision and order.

##### **§ 8.04 Judicial Review.**

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) of the Act in cases arising under sections 102(c) or 201–207 of the Act;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4) of the Act;

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5) of the Act; or

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The United States Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) of the Act with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

### **§ 8.05 Application for Review of an Executive Director's Action.**

For additional rules on the procedures pertaining to the Board's review of an Executive Director action in Representation proceedings, refer to parts 2422.30–31 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

### **§ 8.06 Expedited Review of Negotiability Issues.**

For additional rules on the procedures pertaining to the Board's expedited review of negotiability issues, refer to part 2424 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

### **§ 8.07 Review of Arbitration Awards.**

For additional rules on the procedures pertaining to the Board's review of arbitration awards, refer to part 2425 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

### **§ 8.08 Procedures of the Board in Impasse Proceedings.**

For additional rules on the procedures of the Board in impasse proceedings, refer to part 2471 of the Substantive Regulations of the Board, available at [www.ocwr.gov](http://www.ocwr.gov).

#### **SUBPART I—[AMENDED]**

9. *Subpart I has been amended as follows:*

#### **Subpart I—Other Matters of General Applicability**

##### **§ 9.01 Attorney's Fees and Costs**

##### **§ 9.02 Ex Parte Communications**

##### **§ 9.03 Settlement of Claims and Complaints**

##### **§ 9.04 Payments Required Pursuant to Decisions, Awards, or Settlements under section 415(a) of the Act**

##### **§ 9.05 Revocation, Amendment or Waiver of Rules**

##### **§ 9.06 Notices**

##### **§ 9.07 Training and Education Programs**

##### **§ 9.01 Attorney's Fees and Costs.**

(a) *Request.*—No later than 30 days after the entry of a final decision of the Office, the prevailing party may submit to the Merits Hearing Officer who decided the case a motion for the award of reasonable attorney's fees and costs, following the form specified in paragraph (b) below. The Merits Hearing Officer, after giving the respondent an opportunity to reply, shall rule on the motion. Decisions regarding attorney's fees and costs are collateral and do not affect the finality or appealability of a final decision issued by the Office.

(b) *Form of Motion.*—In addition to setting forth the legal and factual bases upon which the attorney's fees and/or costs are sought, a motion for an award of attorney's fees and/or costs shall be accompanied by:

(1) accurate and contemporaneous time records;

(2) a copy of the terms of the fee agreement (if any);

(3) the attorney's customary billing rate for similar work with evidence that the rate is consistent with the prevailing community rate for similar services in the community in which the attorney ordinarily practices;

(4) an itemization of costs related to the matter in question; and

(5) evidence of an established attorney-client relationship (if a copy of the fee agreement is not available).

(c) *Arbitration Awards.*—In arbitration proceedings, the prevailing party must submit any request for attorney's fees and costs to the arbitrator in accordance with the established arbitration procedures.

##### **§ 9.02 Ex Parte Communications.**

(a) *Definitions.*

(1) The term "interested person outside the Office" means any covered employee and agent thereof who is not an employee or

agent of the Office, any labor organization and agent thereof, any employing office and agent thereof, and any individual or organization and agent thereof, who is or may reasonably be expected to be involved in a proceeding or a rulemaking, and the General Counsel and any agent thereof when prosecuting a complaint proceeding before the Office pursuant to sections 210, 215, or 220 of the Act. The term also includes any employee of the Office who becomes a party or a witness for a party other than the Office in proceedings as defined in these Rules.

(2) The term "ex parte communication" means an oral or written communication—

(A) that is between an interested person outside the Office and a Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking;

(B) that is related to a proceeding or a rulemaking;

(C) that is not made on the public record;

(D) that is not made in the presence of all parties to a proceeding or a rulemaking; and

(E) that is made without reasonable prior notice to all parties to a proceeding or a rulemaking.

(3) For purposes of this section, the term "proceeding" means a hearing proceeding under section 405 of the Act, an appeal to the Board under section 406 of the Act, a pre-election investigatory hearing under section 220 of the Act, and any other proceeding of the Office established pursuant to regulations issued by the Board under the Act.

(4) The term "period of rulemaking" means the period commencing with the issuance of an advance notice of proposed rulemaking or of a notice of proposed rulemaking, whichever issues first, and concluding with the issuance of a final rule.

(b) *Exception to Coverage.*—The Rules set forth in this section do not apply during periods that the Board designates as periods of negotiated rulemaking in accordance with the procedures set forth in the Administrative Procedure Act, 5 U.S.C. § 500 *et seq.*

(c) *Prohibited Ex Parte Communications and Exceptions.*

(1) During a proceeding, it is prohibited knowingly to make or cause to be made:

(A) a written ex parte communication if copies thereof are not promptly served by the communicator on all parties to the proceeding in accordance with section 1.04 of these Rules; or

(B) an oral ex parte communication unless all parties have received advance notice thereof by the communicator and have an adequate opportunity to be present.

(2) The Hearing Officer or the Office may initiate attempts to settle a matter informally at any time. The parties may agree to waive the prohibitions against ex parte communications during settlement discussions, and they may agree to any limits on the waiver.

(3) During the period of rulemaking, it is prohibited knowingly to make or cause to be made a written or an oral ex parte communication. During the period of rulemaking, the Office shall treat any written ex parte communication as a comment in response to the advance notice of proposed rulemaking or the notice of proposed rulemaking, whichever is pending, and such communications will therefore be part of the public rulemaking record.

(4) Notwithstanding the prohibitions set forth in subparagraphs (1) and (2) above, the following ex parte communications are not prohibited:

(A) those which relate solely to matters which the Board member or Hearing Officer is authorized by law, Office rules, or order of the Board or Hearing Officer to entertain or dispose of on an ex parte basis;

(B) those which all parties to the proceeding agree, or which the responsible official formally rules, may be made on an ex parte basis;

(C) those which concern only matters of general significance to the field of labor and employment law or administrative practice;

(D) those from the General Counsel to the Office or the Board when the General Counsel is acting on behalf of the Office or the Board under any section of the Act; and

(E) those which could not reasonably be construed to create either unfairness or the appearance of unfairness in a proceeding or rulemaking.

(5) It is prohibited knowingly to solicit or cause to be solicited any prohibited ex parte communication.

(d) *Reporting of Prohibited Ex Parte Communications.*

(1) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who determines that he or she is being asked to receive a prohibited ex parte communication shall refuse to do so and inform the communicator of this Rule.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding who knowingly receives a prohibited ex parte communication shall (i) notify the parties to the proceeding that such a communication has been received; and (ii) provide the parties with a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). If a proceeding is then pending before either the Board or a Hearing Officer, and if the Board or Hearing Officer so orders, these materials shall then be placed in the record of the proceeding. Upon order of the Hearing Officer or the Board, the parties may be provided with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(3) Any Board member involved in a rulemaking who knowingly receives a prohibited ex parte communication shall cause to be published in the Congressional Record a notice that such a communication has been received and a copy of the communication and of any response thereto (if written) or with a memorandum stating the substance of the communication and any response thereto (if oral). Upon order of the Board, these materials shall then be placed in the record of the rulemaking and the Board shall provide interested persons with a full opportunity to respond to the alleged prohibited ex parte communication and to address what action, if any, should be taken in the proceeding as a result of the prohibited communication.

(4) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly receives a prohibited ex parte communication and who fails to comply with the requirements of subparagraphs (1), (2), or (3) above, is subject to internal censure or discipline through the same procedures that the Board uses to address and resolve ethical issues.

(e) *Penalties and Enforcement.*

(1) When a person is alleged to have made or caused another to make a prohibited ex parte communication, the Board or the Hearing Officer (as appropriate) may issue to the person a notice to show cause, returnable within a stated period not less than 7 days from the date thereof, why the Board or the Hearing Officer should not determine that the interests of law or justice require that the person be sanctioned by, when applicable, dismissal of his or her claim or interest,

the striking of his or her answer, or the imposition of some other appropriate sanction, including but not limited to the award of attorney's fees and costs incurred in responding to a prohibited ex parte communication. Sanctions shall be commensurate with the seriousness and unreasonableness of the offense, accounting for, among other things, the advertency or inadvertency of the prohibited communication.

(2) Any Board member or Hearing Officer who is or may reasonably be expected to be involved in a proceeding or a rulemaking and who knowingly makes or causes to be made a prohibited ex parte communication is subject to internal censure or discipline through the same procedures that the Board uses to address and resolve ethical issues.

### **§ 9.03 Settlement of Claims and Complaints.**

(a) *Settlement Agreements.*—Parties to a process described in section 210, 215, 220, or 401 of the CAA may agree to settle all or part of a disputed matter. In accordance with section 414 of the Act, the agreement shall be in writing and submitted to the Executive Director for review and approval. The settlement is not effective until it has been approved by the Executive Director. If the Executive Director does not approve the settlement, such disapproval shall be in writing, shall set forth the grounds for disapproval, and shall render the settlement ineffective.

(b) *Obligations Payable from Account Established by Section 415(a) of the Act.*—Any agreement between the parties that purports to create an obligation that is payable from the account established by section 415(a) of the Act ("Section 415(a) Treasury Account") must be in writing and approved by the Executive Director.

(c) *General Requirements for Approval of Settlement Agreements.*—Except as provided in paragraph (d), a settlement agreement must contain the signatures of all parties or their designated representatives on the agreement document. A settlement agreement cannot be approved by the Executive Director until the appropriate revocation periods have expired and the employing office has fully completed and submitted the Office's Section 415(a) Account Requisition Form. A settlement agreement cannot be rescinded after the signatures of all parties have been affixed to the agreement, unless by written revocation of the agreement voluntarily signed by all parties, or as otherwise permitted by law. All settlement agreements must also:

(1) specify the amount of each payment to be made from the Section 415(a) Treasury Account;

(2) identify the portion of any payment that is subject to the reimbursement provisions of section 415(e) of the Act because it is being used to settle an alleged violation of section 201(a) or 206(a) of the Act;

(3) identify each payment that is back pay and indicate the net amount that will be paid to the employee after tax withholding and authorized deductions; and

(4) certify that, except for funds to correct alleged violations of sections 201(a)(3), 210, or 215 of the Act, only funds from the Section 415(a) Treasury Account will be used for the payment of any amount specified in the settlement agreement.

(d) *Requirements for Approval of Settlement Agreements Involving Claims Against Members of Congress.*—If a settlement agreement concerns allegations against a Member of Congress subject to the payment reimbursement provisions of section 415(d) of the Act or any applicable rule of the Senate or the House of Representatives that would require reimbursement by the Member of the Treasury account established by section 415(a) of the Act, the settlement agreement must comply

with sections 9.03(c)(1), (3) and (4) of these Rules, and:

(1) specify the amount, if any, that is the "reimbursable portion" as defined by section 415(d) of the Act because it is being used to settle an allegation that a Member personally committed a violation of section 201(a), 206(a), or 207 of the Act; and

(2) contain the signature of any individual (or the representative of any individual) who has exercised his or her right to intervene pursuant to section 415(d)(8) of the Act or an applicable provision of these Rules.

(e) *Violation of a Settlement Agreement.*—Parties are encouraged to include in their settlements specific dispute resolution proceedings. If a party should allege that a settlement agreement has been violated, the issue shall be determined by reference to those procedures. If the settlement agreement does not have a stipulated method for dispute resolution of an alleged violation, the Office may provide assistance in resolving the dispute, including the services of a Mediator as determined by the Executive Director. When the settlement agreement does not have a stipulated method for resolving violation allegations, an allegation of a violation must be filed with the Executive Director no later than 60 days after the party to the agreement becomes aware of the alleged violation. Such allegations will be reviewed, investigated or mediated, as appropriate, by the Executive Director or designee.

### **§ 9.04 Payments Required Pursuant to Decisions, Awards, or Settlements under Section 415(a) of the Act.**

(a) *In General.*—Whenever an award or settlement requires the payment of funds pursuant to section 415(a) of the Act, the award or settlement must be submitted to the Executive Director together with a fully completed Section 415(a) Account Requisition Form for processing by the Office.

(b) *Requesting Payments.*

(1) Only an employing office under section 101 of the Act, or its designated payroll administrator, or disbursing office, as applicable, may submit a payment request from the Section 415(a) Treasury Account.

(2) Employing offices, payroll administrators, or disbursing offices must submit requests for payments from the Section 415(a) Treasury Account on the Office's Section 415(a) Account Requisition Forms.

(c) *Duty to Cooperate.*—Each employing office, payroll administrator, or disbursing office has a duty to cooperate with the Executive Director or his or her designee by promptly responding to any requests for information and to otherwise assist the Executive Director in providing prompt payments from the Section 415(a) Treasury Account. Failure to cooperate may be grounds for disapproval of the settlement agreement.

(d) *Back Pay.*—When the award or settlement specifies a payment as back pay, the employing office, payroll administrator, or disbursing office, as applicable, may request that the payment be disbursed from the Section 415(a) Treasury Account pursuant to one of the following methods:

(1) The gross amount of the back pay will be disbursed to the employing office, payroll administrator, or disbursing office, as applicable, which will then promptly issue amounts representing back pay (and interest if authorized) to the employee and retain amounts representing withholding and deductions;

(2) Deductions from gross back pay will be disbursed to the employing office, payroll administrator, or disbursing office, as applicable. Net back pay (and interest if authorized), will be disbursed to the employee or to the employee's attorney, as directed by the

submitting employing office, payroll administrator, or disbursing office; or

(3) The payment will be disbursed pursuant to a method mutually agreed upon by the OCWR and the employing office, payroll administrator, or disbursing office, as applicable.

(e) *Attorney's Fees.*—When the award or settlement specifies a payment as attorney's fees, the attorney's fees are paid directly to the attorney from the Section 415(a) Treasury Account.

(f) *Tax Reporting and Withholding Obligations.*—The Office does not report Section 415(a) Treasury Account payments as potential taxable income to the Internal Revenue Service (IRS) and is not responsible for tax withholding or reporting. To the extent that W-2 or 1099 forms need to be issued, it is the responsibility of the employing office, payroll administrator, or disbursing office submitting the payment request to do so. The employing office or its designated payroll administrator, or disbursing office, as applicable, should also consult IRS regulations for guidance in reporting the amount of any back pay award as wages on a W-2 Form.

(g) *Method of Payment.*—Section 415(a) Treasury Account payments are made by electronic funds transfer. The Office will issue an electronic payment to the payee's account as specified on the appropriate Section 415(a) Treasury Account form.

(h) *Reimbursement of the Section 415(a) Treasury Account.*

(1) *Members of Congress.*—Section 415(d) of the Act requires Members of the House of Representatives and the Senate to reimburse the compensatory damages portion of a decision, award or settlement for certain violations of section 201(a), 206(a), or 207 that the Member is found to have committed personally. Reimbursement shall be in accordance with the timetable and procedures established by the applicable congressional committee for the withholding of amounts from the compensation of an individual who is a Member of the House of Representatives or a Senator.

(2) *Other Employing Offices.*—Section 415(e) of the Act requires employing offices (other than an employing office of the House or Senate) to reimburse awards and settlements paid from the Section 415(a) Treasury Account in connection with claims alleging violations of section 201(a) or 206(a) of the Act.

(A) As soon as practicable after the Executive Director is made aware that a payment of an award or settlement under this Act has been made from the Section 415(a) Treasury Account in connection with a claim alleging a violation of section 201(a) or 206(a) of the Act by an employing office (other than an employing office of the House of Representatives or an employing office of the Senate), the Executive Director will notify the head of the employing office and the employing office's designated representative that the payment has been made. The notice will include a statement of the payment amount.

(B) Reimbursement must be made within 180 days after receipt of notice from the Executive Director, and is to be transferred to the Section 415(a) Treasury Account out of funds available for the employing office's operating expenses.

(C) The Office will notify employing offices of any outstanding receivables on a quarterly basis. Employing offices have 30 days from the date of the notification of an outstanding receivable to respond to the Office regarding the accuracy of the amounts in the notice.

(D) Receivables outstanding for more than 30 days from the date of the notification will be noted as such on the Office's public website and in the Office's annual report to

Congress on awards and settlements requiring payments from the Section 415(a) Treasury Account.

(3) [reserved]

#### **§ 9.05 Revocation, Amendment, or Waiver of Rules.**

(a) The Executive Director, subject to the approval of the Board, may revoke or amend these Rules by publishing proposed changes in the Congressional Record and providing for a comment period of not less than 30 days. Following the comment period, any changes to the Rules are final once they are published in the Congressional Record.

(b) The Board or a Hearing Officer may waive a procedural rule in an individual case for good cause shown if application of the rule is not required by law.

#### **§ 9.06 Notices.**

(a) All employing offices are required to post and keep posted the notice provided by the Office that:

(1) describes the rights, protections, and procedures applicable to covered employees of the employing office under this Act, concerning violations described in 2 U.S.C. § 1362(b); and

(2) includes contact information for the Office.

(b) The notice must be displayed in all premises of the covered employer in conspicuous places where notices to employees are customarily posted.

#### **§ 9.07 Training and Education Programs.**

(a) Not later than June 19, 2019 (i.e., 180 days after the date of the enactment of the Reform Act), and not later than 45 days after the beginning of each Congress (beginning with the 117th Congress), each employing office shall submit a report both to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate on the implementation of the training and education program required under section 438(a) of the Act.

(b) *Exception for Offices of Congress.*—This section does not apply to any employing office of the House of Representatives or any employing office of the Senate.

#### **ORDERS FOR THURSDAY, JUNE 20, 2019**

Mr. INHOFE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., Thursday, June 20; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, morning business be closed, and the Senate resume consideration of the pending joint resolutions en bloc; further, that 15 minutes be under the control of Senator MENENDEZ and 5 minutes be under control of Senator RISCH prior to 11:30 a.m. tomorrow; finally, that all time since cloture on the motion to proceed to S. 1790 was invoked, recess, adjournment, morning business, and leader remarks and during the consideration of the resolutions en bloc, count postcloture on the motion to proceed to S. 1790.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. For the information of all Senators, the Senate will vote on the confirmation of the Baranwal nomination at 1:45 p.m. tomorrow.

#### **ORDER FOR ADJOURNMENT**

Mr. INHOFE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of our Democratic colleagues.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey.

S.J. RES. 36

Mr. MENENDEZ. Mr. President, I rise to begin the debate in support of 22 resolutions of disapproval and ask my colleagues to join me in asserting congressional prerogative over arms sales to foreign governments and to say unequivocally that our security partnership with Saudi Arabia, the United Arab Emirates, or any other nation is not a blank check.

On May 24, the Secretary of State attempted to bypass this body in order to push through 22 separate arms sales to Saudi Arabia and United Arab Emirates, claiming an ill-defined emergency regarding Iran. Make no mistake. Iran continues to be a threat to U.S. interests in the Middle East. It continues to jeopardize the greater stability of the region. It has been rightly designated a state sponsor of terrorism. I think it is safe to say that no one in this body has been tougher on Iran than I. But we must ask whether the administration's actions are making us safer from Iranian threats or actually putting us more at risk. Does this administration have a strategic, maximum pressure campaign in place to address Iran's nuclear capabilities or its destructive behavior or is the Trump administration's only plan to turn the Middle East into a pressure cooker with no release valve? I fear it is the latter.

Let me address the resolutions at hand, highlighting just a few. Arms sales are a critical national security tool, and reviewing and approving them are core functions of the Senate Foreign Relations Committee. We are responsible for considering how each proposed sale fits into our broader foreign policy goals and our national security interests, including the capacity and interoperability of our partners.

The congressional review of arms sales is mandated for a reason—so that the Secretary of State explicitly cannot do what he tried to do last month with these 22 sales to Saudi Arabia and the UAE.

Despite the Secretary of State's claims, his May 24 justification lacks any detailed, persuasive information to demonstrate that these sales will somehow better enable the United States or our allies to address an imminent threat or “emergency” or that he was justified in trying to bypass Congress.

Beyond failing to consult with Congress, I am troubled by the administration's continued willingness to withhold information from Senators. Just 3 days prior to the announcement, this “emergency,” Secretary Pompeo

briefed the Senate on the very threat he now claims justifies invoking emergency authorities. Yet during this briefing, the Secretary did not mention, not once, any need to sell more arms to Saudi Arabia to address such a threat.

An “emergency” by definition is an urgent and unexpected event requiring immediate action. Yet last week, Assistant Secretary of State Clarke Cooper admitted in an open House hearing that the decision to make the emergency determination was in the works for months—for months. When pressed on how an emergency declaration couldn't be in the works for months, Cooper tried to argue that the “emergency” showed up sometime in between the 2 days that the Secretary briefed members and then made the notifications.

It doesn't work that way. If it is in the works for months, as you testified, and you were thinking about it, you should have told us.

Their abuse of emergency authorities will ultimately be detrimental to the State Department, the defense industry, and U.S. national security.

For decades, the Congress, multiple Presidential administrations, and the defense industry have engaged in the arms sales process in good faith. The Senate has approved billions of dollars of arms sales to dozens of countries.

Whenever I am concerned about a particular sale, I have sought to work with the administration, the recipient country, as well as defense firms to explain those concerns and to reach a mutually acceptable solution. This approach has served all parties well. It ensures that there is a check on the Executive, whoever that Executive is. It ensures there is oversight over the number and types of U.S. weapons that make their way around the world.

Allow me to outline a little bit of background regarding two of the resolutions we will vote on individually: S.J. Res. 36 and 38, for those keeping score. Then I would like to address border concerns with Saudi Arabia and implications for some of the other sales.

These two resolutions are related to the sale of precision-guided munitions and parts to the Kingdom of Saudi Arabia, weapons they have used in the killing of untold numbers of innocent civilians in their ongoing campaign in Yemen.

Over the course of 4 years, Saudi Arabia's air operations in Yemen have killed and maimed thousands of Yemeni civilians. Ninety thousand Yemenis have died. Eighty thousand children have died of starvation. Seven thousand or more cases of cholera are reported. Three million people are displaced—3 million people are displaced. Some statistics tell us that there are 14 million more on the brink of starvation. The United Arab Emirates has joined in this coalition in this fight on Yemen, and there are credible reports, concerns that I raised about abusive torture at Emirati detention centers

and illicitly transferring U.S. weapons to third-party actors in Yemen, some of which the United States considers terrorist organizations.

These precision-guided munitions are supposed to be a way to avoid civilian casualties. Saudi Arabia has apparently intentionally targeted hospitals, bridges, power stations, apartment buildings, weddings, schools, and even a school bus filled with children—filled with children.

We have heard claims that these precision-guided munitions are “humanitarian” weapons and that they reduce the chance of accidentally hitting and killing civilians. Well, that is not the case if the Saudis are purposefully targeting civilians in the first place. They only target them with greater precision.

In light of the harrowing conflict in Yemen and in line with our regular committee process, last year I placed, as the ranking Democrat on the committee, an informal hold on the sale of 60,000 precision-guided munitions, PGMs, to Saudi Arabia.

I sent a detailed letter to the Secretaries of State and Defense. I outlined my concerns and asked for more convincing information about how U.S. assistance would improve Saudi Arabia’s appalling behavior.

Simply put, I followed every standard procedure in good faith and with respect for the executive branch’s critical duty to protect our national security. Yet, for months upon months, this administration has failed to demonstrate how equipping the Saudis with more weapons would improve the Saudis’ respect for human rights in Yemen or advance America’s own values and national security interests, nor has this administration explained how these arms sales would improve the Saudi Air Force and command authority’s ability and willingness to differentiate between military and nonmilitary targets and thereby reduce the wholesale slaughter of civilians in Yemen.

In fact, after last year’s brutal murder of the Washington Post journalist and American resident, Jamal Khashoggi, in October inside the Saudi consulate in Turkey, the Trump administration apparently gave up on trying to convince anyone that the Saudis have any regard for human rights at home, in Yemen, or abroad.

Like a number of the other 22 proposed sales, these precision-guided munitions will not be used to counter a sudden emergency threat from Iran. This proposed sale of precision-guided weapons kits to Saudi Arabia is slated for one purpose, and that is the Saudi’s disastrous air war in Yemen. Indeed, when asked this question directly in a hearing last week, Assistant Secretary of State Clarke Cooper admitted as much.

Let no Member of this body deceive themselves or the American people. These bombs will most likely be dropped on Yemen—and not just on

Houthi rebels and what few legitimate military targets remain after 4 years of war. If Saudi Arabia acquires these weapons, American-made arms are likely to be used to kill Yemeni civilians.

Finally, as with some of the other proposed sales, President Trump and the Secretary of State are enabling the transfer of both American jobs and sensitive American military technology to the Saudis. With this particular export license, Saudi workers will begin to manufacture part of the electronic guidance system for these precision-guided munitions—work that has been done and should continue to be done by American workers right here in the United States. In other words, the administration is not only selling the Saudi these weapons but also portions of the blueprints for building these weapons.

In the midst of so much volatility in the Middle East, how could anyone possibly think that is a good idea?

America’s defense industry produces the most sophisticated systems in the world, and yet the Trump administration is opening the door for the Saudis to manufacture their own similar weapons in the future or transfer our American-made technical know-how to other countries.

Disturbingly, we also know that the administration will not stop with this particular sale. State Department officials have actually admitted to Foreign Relations Committee staff that this is to be the first of many sales authorizing the Saudis to manufacture even larger, more sensitive portions of these highly advanced weapons.

My colleagues, I hope you hear me because this is nothing short of madness. There is no way, shape, or form that these precision-guided missile systems could be used to address any kind of emergency, large-scale Iranian threat that requires bypassing 30 days of congressional review. The same could largely be said of the rest of the 22 sales that this administration is trying to ram through.

Finally, let me stress that since placing a hold on this particular sale, I have actually cleared a number of other sales to the region. In fact, I have cleared some of the sales the administration saw fit to try to ram through. So let no one accuse me of stonewalling all arms sales, of doubting the Iranian threat, or of ignoring legitimate threats faced by the Saudis and worthy of our continued cooperation.

But there is simply no need at all for this administration to flagrantly disrespect this institution and longstanding norms that support good governance.

In light of the recent news about aggressive Iranian action and the administration’s decision to send more troops to the region, we must always consider changing dynamics.

I urge the President to use the leverage he has indeed created from his

campaign to find a serious diplomatic path forward that meaningfully constrains Iran’s nuclear ambition and its other malign activities.

I continue to believe that upending congressional prerogative doesn’t make us safer, and it is not in our long-term interest.

This administration’s willingness to turn a blind eye to the wholesale slaughter of civilians and the murder of journalists suggests that a move forward with these arms sales will have lasting implications for our moral leadership on the world stage. This behavior sends a message that America is no longer exceptional and that our behavior should be no different than a Russia or a China—pursuing power, acting transactionally, and avoiding accountability.

My colleagues, America is better than this. It is well past time for the Senate and the entire Congress to stand up and push back—to stand up for our role as a coequal branch of government.

I would remind my colleagues that today it is President Trump. Tomorrow it will be some other President, maybe one you disagree with. If you set the precedent that you can just have arms sales go under this false emergency procedure, you will have no say in arms sales.

Stand up for the rule of law instead of the rule of lawlessness, and stand up for our greatest American values that transcend party and politics and together defend the long-term security interest of the United States.

Let me close by highlighting alarming and truly disturbing developments just over the past 48 hours. Yesterday we learned that over the objection of his own diplomats and belying numerous credible reports about its recruitment of children from Sudan to fight in Yemen, Secretary Pompeo blocked the inclusion of Saudi Arabia in the section detailing the use of child soldiers in the State Department’s annual “Trafficking in Persons Report”—over the objection of his own diplomats. This administration is protecting Saudi Arabia, declining to condemn its recruitment of children to fight its battles.

This morning, Agnes Callamard, the U.N. Special Rapporteur investigating the murder of Jamal Khashoggi, released a gruesome, scathing report about the murder itself and the appalling U.S. response. She details calculated, horrific details, including plans to cut up Mr. Khashoggi’s body, with one participant saying that separating the joints should not be a problem. This is truly horrific.

I could go on. I plan to return to the floor to speak tomorrow. I know I have Senator CARDIN here, a senior member of the committee, and others.

Let me now simply say that this report has reignited and even deepened the concern about why this administration seems incapable of criticizing Saudi Arabia.

I urge my colleagues to think long and hard about what these votes will signify to the American people, to our allies, to our fundamental values, and to the institutional rights the Senate has to review arms sales that are a critical part of our foreign policy. Do not give it away to this administration or any other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I take this time to underscore the points that Senator MENENDEZ made in regard to the vote we will have tomorrow here on the floor of the Senate.

I really want Members to know that we are really talking about the fundamental protection of the checks and balances in our system. I don't think most Members know about the process we use for arms sales and review, but I can tell you that it has been to protect the interest of this country and the legislative branch of government. The requirement is for consultation and notice to Congress before arms sales are consummated.

Yes, we have a Republican President, and we have Members of Congress who object to sales and want to get further information, and those holds can be lifted after additional information is provided. But I want to remind the Members of this body that it was in the last Congress, with a Republican President, that the Republican chair of the Senate Foreign Relations Committee put holds on sales in this region for good reason—because of the inconsistent policies we had among Gulf States that needed to be clarified before we divided the support for America even more in that region. Senator Corker was right in what he did, and our country is stronger today because of what he did.

If we allow President Trump to go forward with these arms sales under emergency circumstances, we forever could lose the ability of the legislative branch to weigh in on arms sales.

Senator MENENDEZ is absolutely right. Today it is a Republican President. This should not make any difference in our respect for the powers of the legislative branch of government and the checks and balances that are necessary.

Senator MENENDEZ is right about this. It has been the legislative branch of government that has said protection of human rights is an important ingredient.

Over and over, we find that in the State Department or in the White House they are very transactional, and but for the legislative branch of government, those issues would never be addressed.

Now we are going to let the President of the United States use emergency powers—which I think almost everybody in this body would say really does not exist—to circumvent the proper review and power of the legislative branch of government.

And yes, in these arms sales, human rights are a major issue. Senator MENENDEZ points out correctly that American arms have been used to facilitate the aerial attacks against Yemen led by the Saudis and the coalition—and these guided missiles would be a part of that—and they are the leading cause of civilian death in Yemen. Over 1,000 have been killed as a result of the Saudi-led coalition attacks. We have been given assurances over and over—which has not happened—that they will be better at it.

We also know that there is not a military solution to the Yemen crisis. America's military involvement only makes the circumstances worse. It is one of the worst humanitarian disasters that we have seen in recent times. We need to disengage on the military side. By allowing the President to use these emergency powers, we make the circumstances worse.

Lastly, I remember the outrage of every Member of this House on Jamal Khashoggi's tragic death. Everyone was saying that we have to hold accountable those responsible for those actions. But listen to what Senator MENENDEZ said. Today, Agnes Callamard, the Special Rapporteur for extrajudicial executions, released the findings of her investigation into the October 18 killing of Jamal Khashoggi, a person who lived in the United States and was brutally murdered. The Special Rapporteur noted that there was evidence that the responsibility of Khashoggi's murder extends beyond the 11 individuals currently on trial for the murder in Saudi Arabia, points in the direction of the Royal Family, and points out that further investigation is warranted of high-level Saudi officials, including the Crown Prince. And we are going to go ahead and allow the President to conduct arms sales?

We have strategic relations with other countries. That is fine, but it has to be embedded in our principles—the strength of America, our values. If we allow business to be as usual—that you can take a person who was under protection of our country as a resident and allow that person, a journalist, to be murdered, and we know who is responsible and we don't take action—what message are we sending to the global community? Where is America's leadership?

Senator MENENDEZ is giving us an opportunity to say: Yes, we believe in the legislative branch of government as a check and balance on whoever is in the White House, whether it be a Democrat or a Republican, or a Democratic- or Republican-controlled Senate. We believe in the checks and balances in our system. It serves a purpose, and we are not going to let the President use emergency powers when that does not exist.

On these particular sales, there are human rights issues that demand that we do not approve these sales. That is what is at stake in this vote.

I take this time to plea to my colleagues: Recognize that what we are

voting on is not whether we support the President of the United States. It is whether we support our responsibilities as Members of the Senate and we take the necessary action to protect the powers of checks and balances and to make the right decisions about American values and human rights.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. MURPHY. Mr. President, there is a reason Article I of the Constitution is about the structures around the legislative branch and Article II of the Constitution imagines structures around the executive branch. It was the legislative branch that was most important to the Founders. It was rooted in the desires and dreams and priorities of the people. The way in which we structure ourselves and how we have become chosen to these bodies has changed over the years, but we are Article I for a reason.

The division of labor between the Article I branch and the Article II branch was not limited only to domestic policy. The Founding Fathers spent a lot of time talking about making sure that the Article I branch had a significant say, a dispositive say over foreign matters as well. That is why we have the power to declare war, not the executive. That is why we have the power of the purse when it comes to funding overseas activities, and it is the reason Congress gave itself the power to have oversight over the arms that we sell to the rest of the world. It is because these arms and the relationships that surround the sale of these arms are amongst the most important foreign policy decisions that we make.

We don't have to look far to understand how arms sales can go wrong very quickly. It was the arms that we sold either overtly or covertly to the rebel forces in Afghanistan that ended up becoming the arms used by some of the most vicious terrorist groups that eventually attacked the United States. It was arms that we sold to Syrian rebels that ended up in the hands of the extremist Sunni Muslim groups there that we were, in fact, fighting. So we have good reason for historically coming together, Republicans and Democrats, to ask these questions about arms sales.

I agree with Senator CARDIN in that, if we let this emergency declaration go without protest, without a vote, I don't know whether we are ever going to get the power to oversee arms sales back as body, and it will be just another mechanism by which we fritter away our coequal responsibility to determine the course of America's role in the world to a growing imperial Presidency, especially when it comes to matters of foreign affairs.

I want to be clear with my colleagues and the Presiding Officer that I didn't just adopt this view when I became a member of the minority party. I didn't just decide that this was important when Donald Trump became President.



In fact, I brought a resolution of disapproval of this very similar arms sale under President Obama.

I note there were 24 Members of this body—20 or so of them Democrats—who voted to maintain our prerogative to vote against that arms sale. There were 20 members of the Democratic Party who were willing to vote, in a sense, to cancel out a sale that had been proposed by a Democratic President. So, on this side of the aisle, we have been willing to hold to this principle whether the President is of our party or is of a different party. It is because we think this is a nonpartisan principle.

I agree with Senator MENENDEZ and Senator CARDIN in that, if we don't take a positive vote here, we are potentially giving away this priority forever. This emergency that exists in the Middle East is not a new emergency. You could argue that if the emergency is related to Iranian behavior, it is one that has been created, in part, by this President's policies. It, frankly, invites any President, Democrat or Republican, to be able to just point to one of the various crises in the Middle East, of which there is always one, as the reason by which Congress just can't be bothered to weigh in on this particular arms sale.

Second and lastly, I want to quickly go over a case that I have made several times on the floor of the Senate. That is the case that, I think, is shared by most smart watchers of the Middle East, which is that there really is not a national security disaster for the United States that equals that of Yemen today.

First of all, it is a humanitarian nightmare, and it is not one of these humanitarian nightmares that was caused by a drought or a famine and over which the United States is just looking and watching. It is a humanitarian disaster that we are, in part, causing. We are selling the bombs that are being dropped in a country where 100,000 children under the age of 5 have died of starvation and disease, where tens of thousands have been killed by conflict and the bombs that are dropping. They are dropping on school buses, on Doctors Without Borders' facilities, on churches, and weddings. These are not all by mistake. Many of them are purposeful.

We have never seen a cholera outbreak like the one that we have today—never in our lifetimes. Just this week, the head of the U.N. relief mission there rushed here to Congress to give us devastating news. I don't know whether all of my colleagues were able to meet with her or get a briefing from her, but the head of the relief work in Yemen told us that there are a quarter million Yemenis who are so sick and so malnourished that they are beyond saving. A quarter million Yemenis are going to die this summer and this fall.

The Saudis and the Emiratis have stopped funding the relief work, and they have stopped funding the World

Health Organization and the World Food Programme. They are all closing up shop. The conflict is bigger and in more places than ever before. The bombing has not stopped, and the money from the contestants is no longer flowing. This fall, we will see a catastrophic loss of life in Yemen that the world has not seen in a very, very long time.

Second, this is all coming back to haunt the United States, these bombs that are being dropped. This famine that exists is not seen as a Saudi-caused famine; it is seen as a U.S.-Saudi-caused famine. So these young Yemenis—and they are mostly young—are being radicalized against the United States, and there are willing places and willing contestants for their allegiance who are gobbling them up. Al-Qaida and ISIS have never been stronger in Yemen.

I will admit we have made some military progress against them in the last couple of years, but from the beginning of the conflict to today, they are much stronger than ever before, and they have more potential recruits than ever before because of our actions there.

Third, there is no change in battle lines. Sit down with the maps of what the Houthis control and what the coalition controls. They are, essentially, the same today as they were a year ago or 2 years ago. Senator CARDIN is right in that there is no military solution here. The more bombs the coalition drops, the more mercenary armies they bring in from Sudan and other places, and the more the battle lines just harden.

Fourth, Iran gets stronger and stronger by the day. When this all started, the Houthis were not a proxy force of the Iranians. They relied on them. Yet, as the war goes on and our country stands unwilling to negotiate a peace and we remain only willing to fund the war, Iran gets deeper and deeper into the Houthis. When the political settlement is finally achieved, Iran will have much more of a footprint in Yemen than had we ended the war last year or the year before.

Lastly, just to underscore this point that others have made in the context of these gross, grave Saudi human rights abuses, whether it be the Americans who are there whom they are locking up today and torturing or whether it be the dismemberment of Jamal Khashoggi as reported on most recently by the United Nations, America just looks so fundamentally weak in the world. It looks so fundamentally weak in the world when the Saudis stick a finger in our eye by grabbing a U.S. resident and dismembering him in their consulate and then lie to us about it until the evidence is so incontrovertible that they have to tell the truth.

The result of that is we draw them closer in. Our Secretary of State goes to Saudi Arabia; it is not the Saudis who are coming to us. We offer them more nuclear secrets, and we give them more weapons. Then, inside this deal,

not only do we give them weapons, but we actually grant them coproduction of some of the most sensitive technology that we own, which is of our smart bombs. That is the kind of deal that you do if the other party has leverage on you. We give coproduction to countries when we feel like we are the weaker party. We are giving the coproduction of smart bombs—we are going to vote on this tomorrow. We are giving the coproduction of smart bombs to a country that just chopped up an American resident into little pieces and lied to us about it. What a world we are living in.

It is important for this body to stand up for itself sometimes. It is not to stand up for your party, not to stand up for your particular principles or to stand up for yourself. I think I can make the case to vote for these resolutions based just on our institutional prerogative. The war itself is a national security nightmare for us.

I said this when President Obama was perpetuating it, and I say it here today. So, for me, this has nothing to do with who is in the White House. I believed this from the start, and many of us have believed it from the beginning. Even if you don't believe in standing up for our prerogative as an institution, standing up for American national security compels you to vote against these sales tomorrow.

I thank Senator MENENDEZ for being such a strong, resolute voice not just for the principle of standing up for human rights but for the principle of standing up for this body. I am glad to stand by his side and by so many others who are sponsors of this, and I am glad that he has brought us to the floor this evening.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, let me summarize. I don't know of any other colleagues at this point. I do know that some will probably speak right before the votes tomorrow morning.

I thank the distinguished Senator from Connecticut, who has been such a clarion voice from the earliest days on this question of the Yemeni conflict. He has been there every step of the way in his arguing and pricking of the conscience of the Senate as it relates to this. Senator CARDIN is also well-known for his advocacy of human rights in his many years between the House and the Senate.

This vote tomorrow is a vote for the powers of this institution to be able to continue to have a say on one of the most critical elements of U.S. foreign policy and national security—arms sales—to not let that be undermined by some false emergency and to preserve that institutional right regardless of who sits in the White House. Do not give up that power on behalf of this Senate and future Senates to come. Think about what you will do if you cede that right.



Stand up for the Constitution. Article I of the Constitution became the very first article. It is about this body's—the Congress'—being a separate, coequal branch of government as the Founders of the Nation envisioned. Stand up for the Constitution. Stand up for the proposition that our bombs will not be the ones that create an incredible humanitarian disaster for which our moral conscience will be stained forever.

All Members will have that moment to decide where they want to stand in history and whether their votes are to give the Saudis and the UAE arms that ultimately drop on innocent civilians. Can you live with yourself? Is this your moral compass?

Lastly, stand up for the proposition that the greatest country in the world—the United States of America—will not stand by when a journalist—

someone who practices the First Amendment rights that we so cherish, whether it be here at home or around the world—because of nothing else but his criticism of the Saudi King, could be dismembered by a saw in a consulate of the Saudi Government's in a foreign country. How can we be silent in the face of that?

These are all of the elements that are involved in this vote tomorrow, and I trust the Senate will live up to its collective history and stand up for a moment of principle, a moment of courage, if you will, and stand up for all of these values that make America unique, a shining light to the rest of the world. That is what is at stake in the three votes we will cast tomorrow morning.

I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M.  
TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 6:45 p.m., adjourned until Thursday, June 20, 2019, at 9:30 a.m.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate June 19, 2019:

##### THE JUDICIARY

MATTHEW J. KACSMARYK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS.

ALLEN COTHREL WINSOR, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA.

JAMES DAVID CAIN, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA.

GREG GERARD GUIDRY, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA.

## EXTENSIONS OF REMARKS

### IN RECOGNITION OF THE LIFE OF ALBERT JUDD

#### HON. HALEY M. STEVENS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Ms. STEVENS. Madam Speaker, I rise today to recognize Albert "Randy" Randolph Judd on his remarkable life.

Mr. Judd passed peacefully in his sleep on April 11, 2019 and is survived by his wife Patricia "Pat" Roan Judd of 46 years and his son Liam Judd. Known as a long-time leader in the great city of Birmingham, Randy served as a City Commissioner for 10 years and as Mayor in 1989. Mr. Judd also joyfully spent his time as a scuba instructor and underwater photographer who certified scuba students in local lakes. He remained deeply committed to philanthropic efforts related to the arts and media while supporting various charitable causes focused on those in need.

Mr. Judd's remarkable life offers perspective on what makes communities and families thrive, a compassionate heart, quick wit, and an ability to show up when people need it most.

Madam Speaker, I ask my colleagues to join me in reflecting on the remarkable life of Albert Randolph Judd and his many contributions to his community in Birmingham, Michigan.

### INTRODUCTION OF THE REWARD WORK ACT

#### HON. JESÚS G. "CHUY" GARCÍA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. GARCÍA of Illinois. Madam Speaker, I rise today to support a bill I have introduced with Congressman KHANNA, the Reward Work Act.

Economic inequality has been spiraling for decades, and since the 1970s, corporate firms have increasingly relied on stock buybacks—juicing the price of their own stock in order to pay out huge sums to their executives and wealthy shareholders. These buybacks divert investment away from workers, long-term business growth, and research and development.

Since the tax overhaul in 2017, corporations have spent more than \$1 trillion on buybacks, while failing to deliver promised wage increases to workers. Wells Fargo was the single biggest beneficiary of the tax bill. Even as they have laid off workers and been exposed for numerous consumer protection scandals, they have bought back \$40 billion of their own stock.

Starbucks spent nearly \$6 billion on stock buybacks in 2018. If Starbucks reallocated money from share buybacks to compensation, every worker could get a \$7,000 raise. If Wal Mart ended its stock buybacks and spent \$10

billion on increasing wages instead, 1 million low-wage Wal Mart workers would enjoy an hourly wage increase of \$5.66.

Pharmaceutical giants are increasingly diverting money that could be spent on life-saving drugs into stock buybacks. In 2017 and 2018, shareholder payments by the 10 largest pharmaceutical companies increased by 75 percent to nearly \$115 billion. Shortly before the tax bill passed, Pfizer announced a \$10 billion buyback, then turned around and announced that they were ending research into Alzheimer's and Parkinson's.

Firms like Wal Mart are so committed to paying out their wealthiest shareholders that they'll even take on new debt to do it. Firms are increasingly doing share buybacks with risky leveraged loans, which have been identified by regulators as a growing threat to financial stability.

The Reward Work Act will give workers a voice in choosing how their company is run. Instead of enriching executives and shareholders, directors elected by workers can advocate for better wages. Wages in countries that require worker representation on corporate boards are 18-25 percent higher than wages in the United States.

I am grateful for the support of the AFL-CIO, Communication Workers of America, Americans for Financial Reform, and Take On Wall Street.

I urge this body to swiftly pass this bill and help curb the growth of runaway inequality.

### PERSONAL EXPLANATION

#### HON. LOIS FRANKEL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Ms. FRANKEL. Madam Speaker, on roll call vote 355, I was not present because I was unavoidably detained. Had I been present, I would have voted YEA.

### PERSONAL EXPLANATION

#### HON. ADAM KINZINGER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. KINZINGER. Madam Speaker, I was unable to be present to cast the first vote during the first vote series on June 18, 2019. Had I been present, I would have voted Yea on Roll Call No. 323.

### IN RECOGNITION OF THE MARRIAGE OF NISHA CHOKSI AND HETAL PATEL

#### HON. HALEY M. STEVENS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Ms. STEVENS. Madam Speaker, I rise today to recognize Nisha Choksi and Hetal Patel on their remarkable relationship and to wish them well on a lifetime of marriage.

Nisha and Hetal were wed in a beautiful ceremony on May 11, 2019 in Atlanta, Georgia. Surrounded by friends and family from across the globe, their three days of festivities symbolize their deep commitment to one another and their future life.

Their wedding symbolizes the beginning of a journey that will carry them through the joys and hardships of life. Their ability to work together professionally and grow only closer is another testament to the powerful bond they share.

Madam Speaker, I ask my colleagues to join me in congratulating Nisha Choksi and Hetal Patel for embarking on a new chapter in their lives and wishing them well on their journey together.

### PERSONAL EXPLANATION

#### HON. GREGORIO KILILI CAMACHO SABLAN

OF NORTHERN MARIANA ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. SABLAN. Madam Speaker, I was unavoidably detained on June 18, 2019, during the vote on Ms. Speier's amendment to prevent the Department of Defense from spending funds to implement the ban on open transgender service in the U.S. military. Had I been present, I would have voted "Aye."

### HONORING WILLIAM L. NETTLE

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a tenacious and self-driven community servant, William L. Nettle.

William Nettle is a lifelong resident of Vicksburg, Mississippi. After graduating from Warren Central High School in 2004, he earned his bachelor's degree in Mass Communications from Jackson State University. During his college tenure he worked at Factory Brand Shoes, where he learned the art of customer service.

William started his real estate career in 2010, after a short time spent working in the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

television industry. In August of 2016, William joined the Keller Williams family.

William Nettle is a member of the Bypass Church of Christ, where he serves as the Youth Coordinator, LIFE Group Leader, Bible School Teacher and Audio/Visual Coordinator.

He serves the community in numerous ways. William is on the Board of Directors for two nonprofit organizations: Warren County Habitat for Humanity and It's Time Media. He is a member of the Vicksburg Kiwanis Club, the Vicksburg Optimist Club, Vicksburg Young Professionals, and the Vicksburg/Warren County Chapter of the Jackson State University National Alumni Association. Mr. Nettle also frequently volunteers with United Way of West Central Mississippi by reading to 3rd graders as a part of the L.E.A.R.N. (Leaders Encouraging Advancements in Reading Now) Program. For fun, William likes watching sports, fishing, watching comedy and action movies and listening to good music. He also enjoys playing sports, especially bowling. He loves to sing and make people laugh.

Madam Speaker, I ask my colleagues to join me in recognizing William L. Nettle for his hard work, dedication and tenacity to serving others.

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IN RECOGNITION OF THE BAPTISM  
OF HENRY WINTERHALTER

**HON. HALEY M. STEVENS**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. STEVENS. Madam Speaker, I rise today to recognize Henry Graham Winterhalter and his baptism on Sunday, May 12, 2019.

I have the honor of being the Godmother to Henry and the lifelong friend of his parents Lindsay and Brian Winterhalter. On May 12th we gathered at St. Paul's Lutheran Church, a religious institution open to all children to witness Henry's baptism. Born on June 28, 2018, Henry is now freed from sin and baptized to Christ.

Without shedding a tear, and symbolizing his gentle heart and growing mind, Henry was baptized by Pastor John Spangler.

As his sponsor, I promised before friends and family to nurture Henry Graham in the Christian faith and to serve as a role model throughout his life. His life a blessing, we are inspired by all Henry will become, a true gift from God.

Let us all reflect on this as we work to make this country a better country for Henry.

Madam Speaker, I ask my colleagues to join me in reflecting on another milestone in the life of Henry Graham Winterhalter and his bright future.

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RECOGNIZING THE HAYMARKET  
POLICE DEPARTMENT 2019  
PRINCE WILLIAM CHAMBER OF  
COMMERCE VALOR AWARD RE-  
CIPIENTS

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to commend the Haymarket Police Department

and its outstanding member who has demonstrated superior dedication to ensuring the safety of his colleagues and members of the community and his designation as a 2019 Prince William Chamber of Commerce Valor Award recipient. The annual Valor Awards ceremony recognizes the remarkable heroism and bravery above and beyond the line of duty exemplified by our public safety and law enforcement professionals. For the past 33 years, the Prince William Chamber of Commerce has paid tribute to police officers, firefighters, and emergency personnel for their extraordinary service.

Our public safety and law enforcement workforces put their lives at risk on a daily basis to keep our families and neighborhoods safe. In recognition of acts of valor, we award the following honoree for demonstrating extraordinary dedication and outstanding performance under unusually difficult or dangerous circumstances. It is my honor to include in the RECORD the following name of the Haymarket Police Department law enforcement professional:

Merit Award for Valor: Officer John Gregory.

Madam Speaker, I ask my colleagues to join me in recognizing the 2019 Prince William Chamber of Commerce Valor Award recipient from the Haymarket Police Department. The selfless acts of heroism by this distinguished individual merit our highest praise. I thank the honoree, as well as all the Haymarket Police Department law enforcement professionals, for their dedication and commitment to the protection of our communities.

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CONGRATULATING MARGO DEAN  
AND THE BALLET CONCERTO ON  
50 YEARS OF BRINGING DANCE  
AND INSPIRATION TO THE FORT  
WORTH COMMUNITY

**HON. KAY GRANGER**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. GRANGER. Madam Speaker, I rise today to congratulate Margo Dean and the Ballet Concerto on 50 years of bringing dance and inspiration to the Fort Worth Community.

Ballet Concerto was founded in 1969 by Artistic Director, Margo Dean, who has served in that role since its inception. The program has brought the art of ballet and other forms of dance to people of all ages and socioeconomic backgrounds in Fort Worth.

Ballet Concerto was the first ballet program in the State of Texas to go into public schools, and was the first arts program of any kind, to be approved by the Fort Worth Independent School District, to present educational lecture demonstrations to its students.

Margo Dean and the Ballet Concerto annually presents the Summer Dance Concert, a free, professional, outdoor performance to the Fort Worth Community that creates an outlet for talented young dancers, employment for local professionals, and opportunities for emerging local choreographers, and nationally and internationally renowned choreographers to premiere original, ground-breaking works.

I offer my thanks and congratulations to Margo Dean and the Ballet Concerto for enlightening and enriching the lives of the citizens of Fort Worth for the past 50 years.

THE AMERICAN LEGION  
CENTENNIAL CELEBRATION

**HON. ANN M. KUSTER**

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. KUSTER of New Hampshire. Madam Speaker, I rise today to honor the American Legion on their 100th birthday. The American Legion has been a leading voice in advocating for veterans, servicemembers, their families and communities.

The American Legion was chartered and incorporated by Congress in 1919 as a patriotic veterans' organization devoted to mutual helpfulness. It is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of community-based programs, advocating patriotism and honor, promoting strong national security, and continued devotion to fellow servicemembers and veterans.

The American Legion Department of New Hampshire was chartered on August 1, 1920. There are currently 107 American Legion Posts located throughout the Granite State, boasting nearly 18,000 members. American Legion members contribute significantly to their local communities. Members participate in blood drives, and contribute generously to scholarships, community projects, emergency aid and youth activities. Many of the Posts have halls, where community enjoy social functions for events throughout the year.

The American Legion works closely with the Veterans Administration to ensure that the veterans in New Hampshire and across our country are cared for following their service to the United States. New Hampshire leaders work closely with military organizations and are proud to have two military installations within the state serving thousands of military members and their families.

On behalf of my constituents in New Hampshire's Second Congressional District, congratulations to the American Legion community for 100 years and all the best in the years to come.

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DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2020

SPEECH OF

**HON. BRADLEY SCOTT SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, June 18, 2019*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes:

Mr. SCHNEIDER. Madam Chair, I rise in support of the amendment offered with my colleague from New Hampshire, Congresswoman ANNIE KUSTER.

Department of Defense leadership is needed to develop lead-free electronics to solve a pressing defense industrial base supply chain issue.

Throughout the world, the commercial electronics industry converted to lead-free component technology years ago. However, the defense electronics industry here at home remains reliant on lead-based assembly technology.

That's because Defense electronics in a fighter jet have different performance requirements than commercial electronics such as in an iPhone. These defense platforms require a much longer lifespan and the ability to perform in extreme environments.

Our amendment seeks to address the difficulty and cost DOD has experienced in trying to source lead-free electronic technologies, which will only increase as time goes on.

Additionally, without research and investment, our defense industrial base will continue to face challenges incorporating newly developed technologies, ultimately adversely affecting our military readiness.

I urge my colleagues to back our amendment to bolster U.S. efforts to develop lead-free defense electronics and look forward to working with Rep. KUSTER and the defense subcommittee on this issue.

**RECOGNIZING THE 2019 PRINCE WILLIAM CHAMBER OF COMMERCE VALOR AWARD RECIPIENTS OF THE CITY OF MANASSAS PARK FIRE AND RESCUE DEPARTMENT**

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to recognize City of Manassas Park Fire and Rescue Department and its outstanding members who have demonstrated superior dedication to public safety and are the 2019 recipients of the prestigious Prince William Chamber of Commerce Merit Award and Valorous Unit Award for their service. The annual Prince William Chamber of Commerce Valor Awards recognize remarkable heroism and bravery above and beyond the line of duty exemplified by our public safety and law enforcement professionals.

For the past 33 years, the Prince William Chamber of Commerce has paid tribute to our firefighters, police officers, and emergency personnel for their extraordinary service. These brave men and women put their lives at risk on a daily basis to keep our families and neighborhoods safe. For fire and rescue personnel, no two days are alike. Always on the front lines, the City of Manassas Park Fire and Rescue Department is comprised of three sections: community safety, operations, and support systems.

These dedicated service members of a combination career and volunteer system fight fires, provide emergency medical services, perform rescues, and work in our community to promote fire safety and prevention. In recognition of their acts of valor, it is my honor to include in the RECORD the following names of the City of Manassas Park Fire and Rescue Department public safety personnel:

Valorous Unit: Battalion Chief Adam Jones—Battalion 589, Captain Josh Brandon—Medic 509, Fire Medic Randy Leach—Engine 509, Fire Medic John Pearre—Medic

509, Master Firefighter David Sullivan—Medic 509, Firefighter/EMT Kentry Snow—Engine 509.

Madam Speaker, I ask my colleagues to join me in recognizing the 2019 Prince William Chamber of Commerce Valor Award recipients of the City of Manassas Park Fire and Rescue Department. The selfless acts of heroism by this distinguished group of men and women truly merits our highest praise. I thank each honoree, as well as all City of Manassas Park Fire and Rescue Department public safety professionals for their dedication and commitment to the protection of our communities.

**HONORING LINK STRATEGIC PARTNERS**

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. NORTON. Madam Speaker, I rise today to ask the House of Representatives to join me in congratulating LINK Strategic Partners on becoming the 2019 District of Columbia Small Business of the Year. This distinction is awarded as part of our 22nd annual District of Columbia Small Business Fair, at the Walter E. Washington Convention Center.

This year, we are proud to honor LINK Strategic Partners, a national strategic communications and stakeholder engagement firm headquartered in Washington, D.C. LINK provides strategic communications and "hyperlocal" community engagement. With a radically different approach to the communications and public relations industry, LINK puts people, relationships and communities first.

LINK began in 2012 with two full-time employees sharing a small office in the Greater Washington Urban League building in the heart of Washington, D.C. In the seven years since then, the firm has grown tenfold in staff, expanded across the nation and opened its first international location. With team members in St. Louis, New York, Phoenix, Maine and Paris, LINK has grown to 300+ clients, \$15 million in awarded contract value and pro bono work of over \$1 million.

LINK specializes in helping clients build mutually beneficial relationships with local communities. Over the past seven years, LINK has evolved its social impact lens, focusing on the power of human connection and supporting clients in connecting with their constituents in ways that will improve the communities they serve. LINK has also demonstrated the value of investing in team members, offering competitive salaries, benefits and professional development opportunities.

Our fair highlights the importance of small businesses to the District's economy. It provides critical information, counseling and resources to aspiring and current D.C. small business owners. Small businesses are a crucial lifeline in our local economy, and the District thrives because of the expanding success of small businesses throughout the District. We thank the Washington Convention Center for hosting us again this year, the workshop experts who are providing valuable information and assistance to aspiring and current small business owners, and, of course, all the participants.

Madam Speaker, I ask the House of Representatives to join me in congratulating LINK

Strategic Partners, as well as in celebrating small businesses across the District. In the District and in districts around the country, small businesses continue to make indispensable contributions to our economies and communities.

**HONORING THE HONORABLE GERALD "JERRY" A. WORTH FOR HIS 41 YEARS OF DEDICATED SERVICE TO THE NORTH COUNTRY AS JUSTICE FOR THE TOWN OF WILTON**

**HON. ELISE M. STEFANIK**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. STEFANIK. Madam Speaker, I rise today in recognition of the Honorable Gerald A. Worth on his retirement as Justice of the Town of Wilton.

Justice Worth comes from a strong tradition of service to the North Country with both of his parents serving as Justices of the Town of Wilton. His father, the Honorable Wesley Worth, served from 1945 until 1973, and his mother, the Honorable Lillian Worth, served from 1973 until 1976. Justice Worth took up that mantle in 1978 and has dutifully served his community since that day.

Justice Worth has served his country and community in a variety of capacities over the course of his career. Prior to his tenure as Justice, he served the North Country as President of Saratoga County's Magistrates, spent time in the Department of Transportation, and served in the National Guard.

After so many decades of service to our community and our country, Justice Worth deserves nothing less than our deepest gratitude. It is the honor of a lifetime and truly humbling to serve such incredible North Country residents here in Congress. After retirement, Justice Worth is looking forward to time with his family; including his three daughters, eight grandchildren, and three great-grandchildren. On behalf of New York's 21st Congressional District, I want to thank the Honorable Gerald A. Worth for his service to our community and wish him all the happiness in the world as he begins this next chapter.

**HONORING THE LIFE OF JOHN MARSHALL MELVIN**

**HON. DOUG COLLINS**

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. COLLINS of Georgia. Madam Speaker, I rise today to honor the remarkable life of John Marshall Melvin.

John was a longtime resident of the Ninth District, moving to Jefferson, Georgia, as a young child. After graduating from Jefferson High School, John attended the University of Georgia where he played trumpet in the Dixie Redcoat Band and further cultivated his passion and talent for theater and music.

After graduating from the University of Georgia School of Law in 1965, John and his beloved wife, Mary Louise, moved to South Dakota where he served our country honorably

as a captain in the United States Air Force, working in the Judge Advocates Office. A few years later, he returned to Georgia to begin his 40-year career in real estate law at a firm that would later become Stewart, Melvin & Frost.

Often referred to as “larger than life,” John led a life full of leadership and service. He was an Eagle Scout, a member of Leadership Georgia, and a deacon and elder at First Presbyterian Church of Gainesville, where he taught Sunday School and sang in the choir for over 40 years. John also served as president of the Gainesville Rotary Club from 1988 to 1989 and was recognized as Gainesville Rotary’s Man of the Year in 1999.

John Marshall Melvin leaves behind an honorable legacy of integrity, leadership, and service to his community. He was known around town as a well-respected lawyer, but he will always be remembered first and foremost as a loving husband, father, brother, uncle, and grandfather. John will be greatly missed by many, but his impact will continue to reach generations to come.

On behalf of the people of Northeast Georgia, I hope you will join John’s family in celebrating his remarkable life.

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REPORTING ON THE 2019 SPRING  
SESSION OF THE NATO PARLIAMEN-  
TARY ASSEMBLY

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, from May 30 to June 3, 2019, the NATO Parliamentary Assembly (NATO PA) held its Spring Session in Bratislava, Slovakia. I led a bipartisan delegation to the Session, which included Representatives MICHAEL TURNER, JOHN SHIMKUS, SUSAN DAVIS, LINDA SÁNCHEZ, JIM COSTA, BRETT GUTHRIE, PAUL COOK, FILEMON VELA, BRENDAN BOYLE, NEAL DUNN, JAMES SENSENBRENNER, and staff.

The NATO PA was founded in 1955 to serve as an inter-parliamentary organization for NATO. The NATO PA brings together the legislators of the NATO Member States to promote awareness and understanding of challenges facing NATO and strengthen the transatlantic relationship.

In February in Brussels, Belgium, we were honored to have the Speaker of the House of Representatives NANCY PELOSI address the gathered delegates of the NATO PA and attend a meeting of the North Atlantic Council. The Speaker conveyed Congress’ unshakable commitment to the Alliance and was received with great warmth.

In early April, NATO celebrated its 70th Anniversary with a meeting of foreign ministers in Washington, DC—the site of the signing of the Washington Treaty in April 1949. On April 3, 2019, in observance of the 70th Anniversary, Mr. TURNER and I introduced H. Res. 286, expressing the sense of the House of Representatives that the United States remains committed to NATO. On April 4, 2019, at the invitation of Speaker NANCY PELOSI, NATO Secretary General Jens Stoltenberg addressed a Joint Meeting of the two houses of Congress, the first head of a multilateral organization to deliver such an address.

On April 25, 2019, NATO’s 100th Rose-Roth Seminar was held in Brussels, Belgium. To recognize this milestone, Ripley Rand, former United States Attorney for the Middle District of North Carolina, spoke to commemorate and reflect on the work of his godfather and co-founder of the seminars, Congressman Charlie Rose of North Carolina.

On May 30, 2019, in Bratislava, NATO PA convened its Spring Session to conduct the committee work of the NATO PA.

The Defense and Security Committee heard three reports. Joseph Day of Canada gave a report on modernization of arms control and Allied nuclear forces, which mentioned NATO’s new nuclear deterrence policy and how this has paved the way for a potential new era of rearmament and potentially destabilizing arms race. Another report was given by Mr. Nicholas Soames of the United Kingdom on NATO’s ‘Evolving Security in the North Atlantic,’ which discussed five recommendations to help secure Allied interests and activities in the North Atlantic. Lara Martinho of Portugal delivered a report on NATO exercises and investments, which among other things identified opportunities for investment Member States can take to improve mobility of the military.

The Economics and Security Committee heard a report from Ausrine Armonait of Lithuania on North Macedonia, NATO’s soon to be 30th member. The head of Norway’s delegation, Christian Tybring-Gjedde, gave a report on how economic sanctions can be used as a tool for foreign policy and considers the conditions under which these tools can be effective. The committee also received a report from Jean-Marie Bockel of France on the impact of digital technology on the global economy and international trade in North America and Europe.

The Science and Technology Committee heard from three reports. One from Congresswoman SUSAN DAVIS on “NATO in the Cyber Age: Strengthening Security & Defence, Stabilising Deterrence,” which described the growing importance of cyber security to NATO’s defense capabilities. Matej Tonin, the head of Slovenia’s delegation, delivered a report on artificial intelligence, which discussed the challenges and opportunities presented by military uses for artificial intelligence and global artificial intelligence research and development. Finally, the report “NATO Anti-Submarine Warfare: Rebuilding Capability, Preparing for the Future,” was presented by Leona Alleslev of Canada.

The Political Committee heard three reports. I presented my report, “NATO at 70: Why the Alliance Remains Indispensable,” which stressed that NATO’s success over the past 70 years is not only due to its military capabilities, but also the fact that it is an alliance underpinned by common values. This emphasis on shared values has been pivotal in maintaining Alliance cohesion for seven decades, and it will be decisive for continued success. The Alliance must continue to insist that Allies uphold the founding democratic principles of the Alliance and consider support for democratic institutions as a condition for continued and future membership in the Alliance. Julio Calha of Portugal delivered the report “Security and Stability in Africa—Challenges and Opportunities for NATO.” Also, Raynell Andreychuk of Canada presented a report on NATO’s relations with Russia, addressing

Russia’s likely confrontational attitude toward NATO, as well as areas where NATO and Russia have common areas of interest that could be developed.

Finally, the Civil Dimension of Security Committee heard a report from Ulla Schmidt of Germany, which reaffirmed the Alliance’s values. The report explored NATO’s historical commitment to democratic institutions and outlines recent challenges to these values. The committee also heard a report from Jane Cordy of Canada, examining Ukraine five years after the Revolution of Dignity. Finally, Lord Jopling of the United Kingdom, presented a report that emphasized that border security has become a top priority for many NATO Allies and examined border management strategies on both sides of the Atlantic.

During the Spring Session, the United States Delegation also met with the Speaker of the Slovakian Parliament Andrej Danko and was hosted by the German delegation for a bilateral working lunch.

I want to thank the members of the U.S. Delegation who work hard to support the NATO Parliamentary Assembly and in doing so demonstrate a steadfast commitment to transatlantic security and maintaining a Europe that is whole, free, and at peace. I also want to recognize the incredible support the NATO PA and our delegation receive from the Speaker of the House. It is noticed and appreciated on both sides of the Atlantic. Our delegation will continue its work in London in October at the 2019 Annual Session of the NATO PA.

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HONORING CLYDE “ERNIE” HIERS  
AND HIS 39 YEAR CAREER

**HON. RICHARD HUDSON**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. HUDSON. Madam Speaker, I rise today to honor Clyde “Ernie” Hiers on his 39 years of service to our communities as Fire Chief in Temple Terrace, Florida and the City of Kannapolis, located in North Carolina’s Eighth Congressional District.

Over the years, Ernie has made countless contributions to our community. He started his career in 1980 as a driver for Temple Terrace Fire Department at age 21 and retires today as Fire Chief and Emergency Management Coordinator at Kannapolis Fire Department.

Ernie is known throughout the community for his big smile, endless supply of jokes, and passion for service. Through his leadership, Kannapolis Fire Department has experienced a time of unprecedented growth. Ernie saw the number of firefighters rise from 33 to 84 on any given shift, transitioned to an all paid staff, and implemented thermal imaging and sophisticated 911 systems. Exemplary of his prowess, Kannapolis Fire Department constructed two new replacement stations and improved Insurance Service Office (ISO) ratings for the City.

Ernie now plans to spend more time with his wife, Dora and their family, travel more, and to partake in his favorite hobby of serving as a Kansas City Barbeque Society Master Judge. I know I speak for everyone in the community when I say we are truly grateful for his unwavering service and cannot thank him enough. I

would like to offer my sincerest appreciation and wish him a long and happy retirement.

Madam Speaker, please join me today in honoring Clyde "Ernie" Hiers on his 39 years of service to our communities.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2020

SPEECH OF

**HON. BRADLEY SCOTT SCHNEIDER**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, June 13, 2019*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes:

Mr. SCHNEIDER. Mr. Chair, I rise in support of the amendment offered by my colleague Congresswoman SPANBERGER and my fellow members of the New Democrat Coalition National Security Task Force, Congressmen BOYLE and BROWN. Our foreign policy rests on three interconnected pillars of defense, diplomacy, and development. All three elements are critical and work in concert to promote American leadership in global affairs. We cannot shortchange one without harming our overall foreign policy.

As former Defense Secretary Jim Mattis put it succinctly: "If you don't fully fund the State Department, then I need to buy more ammunition."

That is but one reason I am so deeply concerned by the many critical foreign service positions that remain unfilled in the Trump Administration. These empty posts include the assistant secretaries overseeing the Middle East, East Asia, South Asia and Political-Military Affairs, as well as key ambassadorships around the world.

Our amendment would encourage the State Department to implement recommendations from a recent GAO study that found foreign service vacancies are undermining our foreign policy objectives. In addition, the amendment encourages GAO to expand its study to include the impact of vacancies in senior leadership and politically appointed positions at the Department of State on the United States' ability to meet its foreign policy, diplomacy, aid, and national security priorities and objectives.

I urge my colleagues to support this amendment to ensure all three pillars of our foreign policy are working together at their best to promote our interests abroad and ensure our national security.

IN HONOR OF MS. SUE SWANN

**HON. ROBERT J. WITTMAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. WITTMAN. Madam Speaker, I rise today in recognition of Ms. Sue Swann's forty

years of service to the Essex County Department of Social Services.

Ms. Swann was known as a diligent and determined employee who gave everyone she worked with countless reasons to admire her work ethic. Not only did she dedicate four decades of her life to the Department, but she worked three years in other state offices as well.

At work, she was frequently requested personally by clients for face-to-face meetings to discuss the benefits entitled to them. She did her job with unmatched love and care. Over forty years, she decided to stay in her position and reject countless promotions. Had she chosen to move to other localities, she could have been a Benefit Program Specialist 4 or 5, but because of the passion she has for what she did, she remained a Specialist 2.

Ms. Swann plans to go into retirement now after decades of her tremendous work, and I wish her the best of luck in her future endeavors.

Madam Speaker, I ask you to join me in honoring the service of this great woman, Ms. Sue Swann, to the people of Virginia's 1st District, to the Commonwealth of Virginia, and to the entirety of our great nation. May God bless Sue and her family for her countless hours of labor in service to her country.

RECOGNIZING THE 2019 PRINCE  
WILLIAM CHAMBER OF COMMERCE  
VALOR AWARD RECIPIENTS OF THE STONEWALL JACKSON  
VOLUNTEER FIRE & RESCUE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to recognize Stonewall Jackson Volunteer Fire & Rescue and its outstanding members who have demonstrated superior dedication to public safety and are the 2019 recipients of the prestigious Prince William Chamber of Commerce Merit Award and Valorous Unit Award for their service. The annual Prince William Chamber of Commerce Valor Awards recognize remarkable heroism and bravery above and beyond the line of duty exemplified by our public safety and law enforcement professionals.

For the past 33 years, the Prince William Chamber of Commerce has paid tribute to our firefighters, police officers, and emergency personnel for their extraordinary service. These brave men and women put their lives at risk on a daily basis to keep our families and neighborhoods safe. These dedicated service members of a combination career and volunteer system fight fires, provide emergency medical services, perform rescues, and work in our community to promote fire safety and prevention. In recognition of their acts of valor, it is my honor to include in the RECORD the following names of the Stonewall Jackson Volunteer Fire & Rescue public safety personnel:

Merit Award for Valor: Firefighter/EMT Carlos Ambrosini.

Silver Medal for Valor: Firefighter Ian Lauderdale.

Madam Speaker, I ask my colleagues to join me in recognizing the 2019 Prince William Chamber of Commerce Valor Award recipients

of the Stonewall Jackson Volunteer Fire & Rescue. The selfless acts of heroism by this distinguished group of men and women truly merits our highest praise. I thank each honoree, as well as all Stonewall Jackson Volunteer Fire & Rescue public safety professionals for their dedication and commitment to the protection of our communities.

IN RECOGNITION OF THE LIFE,  
LEGACY, AND SERVICE OF  
MAJOR GENERAL JAMES LISON,  
JR.

**HON. MIKE GALLAGHER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. GALLAGHER. Madam Speaker, today I rise in honor of the life, legacy, and service of Major General James Lison, Jr., who passed away on Friday, June 7, 2019 at the age of 98.

Maj. Gen. Lison was born in Green Bay on October 23, 1920. He graduated from Green Bay East High School in 1938, where he met the love of his life, Marian Kehl. Upon graduating from the Reserve Officer Training Course at St. Norbert College, he was commissioned as a second lieutenant in the Army and ordered to active duty at the U.S. Army Infantry Replacement Training Center, Fort McClellan, Alabama on June 10, 1942. He returned to Green Bay to marry his sweetheart on September 11, 1942. The couple had four children, Kathy, Peter, Susan and Joan.

Maj. Gen. Lison served on active duty from 1942 to 1946, of which 14 months was in the European Theater as a rifle company officer, combat liaison officer and assistant operations officer with the 42nd "Rainbow" Division.

Separated from active duty in March 1946, Maj. Gen. Lison accepted immediate assignment to the U.S. Army Reserve. In November 1947, his Army Reserve unit commander, then organizing a Wisconsin National Guard regiment, recruited him to organize and command Tank Company, 426th Infantry Regiment, 32nd Infantry Division. In 1951, he was assigned to the G-3 Section, Headquarters, 32nd Infantry Division.

In 1953, Maj. Gen. Lison transferred to State Headquarters, Wisconsin Army National Guard, to accept full-time employment in the state Adjutant General's Office, where he served in a variety of staff assignments, culminating in his appointment by Governor Warren Knowles as the State Adjutant General in February 1969. He was promoted to Brigadier General in December 1968, and to Major General in March 1970. He retired from the active National Guard in 1980, and from state employment with the Wisconsin Department of Military Affairs in 1983.

Through his service, Maj. Gen. Lison earned many awards and decorations which include the Legion of Merit, with Oak Leaf Cluster (second award), the Bronze Star Medal, the American Campaign Medal, the European-African-Middle Eastern Campaign Medal (two campaigns-Rhineland and Central Europe), the World War II Victory Medal, the Army of Occupation Medal, the Armed Forces Reserve Medal, and the Combat Infantryman's Badge, as well as a number of State decorations and awards.

Madam Speaker, words cannot adequately thank Maj. Gen. Lison for his years of service to our country. May his service, dedication, and sacrifice be remembered by a grateful nation. I offer my sincerest condolences to his family.

#### HONORING EARLEAN MARSHALL

### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a remarkable person, Ms. Earlean Marshall.

Earlean Marshall was born on September 14, 1948 in Greenwood, Mississippi to U.S. Army Veteran, Mr. O.Z. Marshall, Sr. and Mrs. Mildred Macy Debro Marshall. She was the eldest of seven children. Her brother John D. Marshall and parents preceded her in death.

Growing up, Earlean's life journeys would take her to Chicago where her parents also lived. They would later relocate to Mississippi, settling in the Rosebank Community of Holmes County.

Earlean began her early public-school education at Mt. Olive School in the Mt. Olive Community. She dearly loved Mt. Olive School and would later serve on the Mt. Olive All-Class Reunion Committee. And, then she attended high school at Tchula Attendance Center (TAC) but would later finish high school in Los Angeles, California where she relocated in 1964 to live with her Aunt "Lovie" and cousins.

Earlean graduated from LA High in 1967 and received bachelor's degrees from California State and UCLA. She was very smart where many of her colleagues asked for her assistance. She was well liked by friends, co-workers and neighbors.

Earlean joined Liberty Baptist Church and was active on the youth usher Board as well as sang in the youth choir. Years later, Earlean joined Holman United Methodist Church in May 20, 1979. She was very active within her church community. She participated on the Holman Church Board, Advisory and Trustee Committee, The Women's Organization, The Holman Mass Choir, and the Usher Board. Earlean was always willing to serve and was very appreciated.

A business-minded individual, Earlean began her career in retail at Broadway Department Store in California but would later further her career for years in the corporate world as a contractor with TRW, Inc. and with The Boeing Company—The Aerospace & Tech Leader. Her work took her on numerous business travels.

Following Earlean's lengthy career in corporate America, she returned to Mississippi after her father died and made her home once again in the Rosebank community. She reunited with Rosebank M.B. Church where she would share her beautiful, melodious voice during devotion, served as acting secretary, was mistress of ceremony on numerous occasions, very active in Sunday School, and was a faithful supporter of the church. She remained active until her health began to decline.

An education advocate and family historian, Earlean often rejoiced in the achievements of

her nieces and nephews and other relatives of the family, always encouraging them on achieve greatness. God called her home to rest in His arms with sweet, sweet peace early Monday morning on February 25, 2019. She will truly be missed.

Madam Speaker, I ask my colleagues to join me in recognizing the late Earlean Marshall.

#### INTRODUCTION OF THE COMMISSION OF FINE ARTS DISTRICT OF COLUMBIA HOME RULE ACT

### HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. NORTON. Madam Speaker, today, I introduced the Commission of Fine Arts District of Columbia Home Rule Act. This bill would prohibit the Commission of Fine Arts (CFA) from exercising authority over non-federal property in the District of Columbia.

Under presidential executive orders (EOs) and federal law, the CFA has review authority for D.C.-owned parks and buildings, as well as for certain private land in D.C. Under the relevant EOs, CFA has review authority for the design of D.C.-owned parks and buildings. Under the Shipstead-Luce Act, CFA has review authority for the design of private buildings in the District "adjacent to public buildings and grounds of major importance," such as Rock Creek Park and the Potomac riverfront. Under the Old Georgetown Act, the CFA has review authority for the design of private buildings in the part of Georgetown referred to as "Old Georgetown" in the act. The members of the CFA are appointed by the President.

The federal government, including the CFA, has no business in local land-use policies and decisions unrelated to the federal presence. Not only is the federal government's authority over D.C. buildings and private property anti-democratic, it also delays and increases the cost of public and private development in the District.

This is an important step to increase home rule for the District, and I urge my colleagues to support this bill.

#### HONORING CLYDE AND GWEN WASHINGTON FOR RECEIVING THE 2019 DUMFRIES MAYOR'S LIVING LEGEND AWARD

### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to recognize the recipients of the 2019 Dumfries Mayor's Living Legend Award. This award is presented to those who have had a profound impact on the Dumfries community through public service, civic engagement, and mentorship. The Town of Dumfries honors the recipients of this award at the Dumfries Mayor's Ball for their extraordinary contributions to our community. It is my honor to include in the RECORD the following individuals:

Clyde Washington: Clyde is a graduate of Norfolk State University, with a degree in Education. He also has a Master of Education de-

gree from Virginia State University. Clyde has used his passion for education and put it back into the community, serving as an educator for 31 years in Prince William County. During his tenure, he was a coach and mentor for many young men. Clyde was also an active member of the Prince William County Education Association, both the Virginia and National Education Association, and he was the Prince William County Representative on the Virginia Education Board of Directors. He also served as a Prince William County delegate to numerous State and National Conventions. In recognition of his dedication and civic engagement, he received several honors including a certificate of outstanding achievement from former Neabsco District Supervisor, John Jenkins. While Clyde was teaching, coaching, mentoring, and being an active civic leader, he also held a seat on the Town of Dumfries Council. In 1980, he ran for the Dumfries Town Council and was elected. He went on to serve the town of Dumfries as a Councilman for twenty-eight years; several of those years serving as the Vice Mayor. He always strived to work cooperatively with each citizen and with other town officials. He is and has always been committed to the citizens and promised them dedicated service, and representation with integrity; promises that he fulfilled. Clyde is the husband of Gwen Porter Washington, who is also being honored tonight. He is also a dedicated member and Deacon at the Little Union Baptist Church, a member of the NAACP, and a Lifetime Member of the Virginia Education and the National Education Association.

Gwen Washington: Gwen was educated in the segregated Prince William County school system. She graduated from Jennie Dean High School in Manassas, Virginia. Gwen is a graduate of Virginia State University, with a degree in Education. She also has a Master of Education degree from George Mason University. Gwen is a third-generation educator which fueled her passion to teach. She invested her passion for education back into the community, serving as an educator for 33 years. Gwen's 33-year teaching career allowed her to have many rewarding experiences. She had a very successful coaching career, winning numerous championships in gymnastics, track & field, and volleyball; she served as department chair for seventeen years; she served as a workshop presenter at numerous county and state teacher workshops, and she also participated in teacher-mentoring where she was able to share effective motivational and behavior modification skills with other teachers. While working part time at Dumfries Elementary School, in November 2015, Gwen was appointed to serve on the Dumfries Town Council. This allowed her to serve out the term of a council member who was moving to the Mayors position. She was highly honored to be asked to serve in this leadership role. At the end of her designated appointment, she went on to be elected to two more terms before retiring. Gwen is the wife of Clyde Washington who is also being honored tonight. She is also a dedicated member of Little Union Baptist Church in Dumfries where she is on numerous chairs and ministries. She is past president and current vice-president of the Deaconess Board, president of the Drama Ministry, and a member of two choirs. She is also a member of the



Retired Virginia and National Education Associations, the NAACP, and a very active member of Women in Community Action.

Madam Speaker, I ask my colleagues to join me in thanking these two incredible individuals and congratulating them on their awards. The contributions and leadership of these two honorees have greatly benefitted our community and truly merit our highest praise. They have made the Town of Dumfries and the entire county extremely proud and I commend them each for their service and dedication.

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2020

SPEECH OF

**HON. DARREN SOTO**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 12, 2019*

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes:

Mr. SOTO. Mr. Chair, I would like to acknowledge that Division C of H.R. 2740, the Defense Appropriations Act for FY 2020's Committee Report, H. Rept. 116–84, provided an additional \$10 million general program increase in funding for the Industrial Base Analysis and Sustainment Support Program within the Research, Development, Test and Evaluation, Defense-Wide Account. These funds will allow the Department of Defense to leverage existing public-private-partnerships to establish a U.S. based manufacturing development platform for advanced microelectronic system integration, including foundational copper-based silicon interposer technology.

The Industrial Base Analysis and Sustainment Program is dedicated to ensuring that the Department of Defense is positioned to more effectively, and efficiently, address industrial base issues, and support the National Security Innovation Base. This includes the ability to proactively mitigate supply chain vulnerabilities within the global defense industrial base, and to cultivate next generation, emerging, defense manufacturing and technology sectors.

Continued U.S. global leadership in microelectronics depends on U.S. owned firms operating at the leading edge of advanced logic technologies and digital memories. The next generation of electronic devices will require significantly greater functional density, in other words, packing functional components together even more tightly than current technology allows. This requires technical leadership in microelectronics system integration, specifically in the microelectronics manufacturing areas of integrating heterogeneous devices, stacking memory, logic processing, sensors, communications, and packaging with security and advanced interconnect methods.

One of the foundational technologies required for advanced system integration is copper-based silicon interposer technology. This

foundational interposer technology can enable almost any microelectronic dependent, or internet of things, system. However, advanced system integration capabilities have moved offshore due to cost, and there currently is no domestic sources that can reliably serve the low volumes of advanced microelectronics that the Department of Defense requires.

That is why there is a need for the Industrial Base Analysis and Sustainment Support Program to leverage existing public-private-partnerships to establish a U.S. based manufacturing development platform for advanced microelectronic system integration, including the foundational copper-based silicon interposer technology. This funding increase will help to accomplish this, and I thank the Chairman for the general program increase of \$10 million for the Industrial Base Analysis and Sustainment Support Program within the Research, Development, Test and Evaluation, Defense-Wide Account.

I support the rapid modernization of domestic state-of-the-art foundry operations that produce trusted microelectronics and thank the Chairman and the Committee for all their work on the issue.

HONORING THE LIFE AND LEGACY  
OF DR. DONNA MARIA GRANT

**HON. CEDRIC L. RICHMOND**

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. RICHMOND. Madam Speaker, I rise to honor the life and legacy of Dr. Donna Maria Grant, a trailblazer in the field of education, who passed away on June 10, 2019, at the age of 71.

Dr. Grant was born on February 4, 1948 in Tampa, Florida, to Mr. Smile Benton and Mrs. Daisy Johnson. In 1966, she graduated from Booker T. Washington High School in Miami, Florida, earned a B.S. degree and M.Ed degree from Florida A&M University in Elementary Education, and completed all coursework towards a doctoral degree in educational leadership from the Union Institute and University in Cincinnati, Ohio. In 1974, she married Mr. Robert "Bob" Grant.

Dr. Grant worked her entire professional career in education. She passionately worked with all ages of students from elementary through graduate school. After spending over 30 years in the Miami-Dade Public School System, Dr. Grant retired as an elementary school principal. However, due to her love for education, her retirement was short lived.

In 2006, Dr. Grant moved to New Orleans and began working as an Associate Professor in the College of Education and Human Development at Southern University at New Orleans. At the time of her death, Dr. Grant served as Vice Chancellor for Student Affairs and Enrollment Services at Southern University at New Orleans.

Dr. Grant, always having a heart for the community, was a proud member of Delta Sigma Theta Sorority, Inc., the National Association of Professional Women (NAPW), Just Us (Miami chapter), and numerous other community empowerment organizations. Also, Dr. Grant was a faithful member of Franklin Avenue Baptist Church in New Orleans.

Dr. Grant lived an extraordinary life that cannot be overstated. She was committed to

elevating minds, bringing students together, and improving access to higher education for all. She was an intellectual titan, trailblazer in the field of education, and her legacy as well as her spirit will remain a guiding force for all.

Dr. Grant is survived by two sons; Christopher Grant and Robert "Bobby" Grant, two daughters; Sherri Grant and Micheline Lyles, a brother; Rickey Perkins, grandchildren; Christopher, Jr., Jeremiah, James, Ciera, Jamica, Kerry, Cameron, Eric, and Deshun, and a host of relatives and friends.

Madam Speaker, I celebrate the life and legacy of Dr. Donna Maria Grant.

TRIBUTE TO CHILDREN'S  
HOSPITAL LOS ANGELES

**HON. ADAM B. SCHIFF**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. SCHIFF. Madam Speaker, I rise today to honor Children's Hospital Los Angeles for being ranked first among children's hospitals in California and across the Western U.S., in addition to being named one of the top five children's hospitals in the nation, according to U.S. News and World Report's Honor Roll of Best Children's Hospitals. The talented doctors, nurses, volunteers, and staff at Children's Hospital Los Angeles provide every child with the best care possible, and have touched the lives of countless families across Los Angeles, including mine.

Children's Hospital Los Angeles has been providing excellent pediatric care to the Los Angeles area since 1901, and today offers more than 350 specialty programs and services to meet the needs of some of the community's most vulnerable members. In addition to its patient services, Children's Hospital Los Angeles supports innovative research efforts which impact children across the nation and around the world. When it comes to children's health and well-being, Children's Hospital Los Angeles's quality of care is truly unparalleled.

I am proud to recognize every individual at Children's Hospital Los Angeles for their unyielding commitment to caring for the children of Los Angeles. I ask all members to join me in commending Children's Hospital Los Angeles for its compassionate, exceptional pediatric care.

IN RECOGNITION OF THE TRADI-  
TION OF BRUNCH ON THE FARM  
IN SHAWANO COUNTY

**HON. MIKE GALLAGHER**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. GALLAGHER. Madam Speaker, I rise today to recognize the tradition of Brunch on the Farm in Shawano County hosted this year by Goers Family Dairy in Gresham.

Brunch on the Farm is an iconic Shawano County tradition that provides the community an opportunity to see first-hand how a dairy farm operates and learn about the significant role the dairy industry plays in Wisconsin's economy. Community members meet dairy farmers, explore the barns and equipment,

and enjoy a delicious meal prepared on the farm.

I am grateful to Goers Family Dairy for hosting the 2019 Shawano County Brunch on the Farm. One hundred and fifty years ago, Goers Family Dairy was established in the town of Herman. Brothers Jeff and Matt Goers, fifth-generation farmers, currently operate the dairy and milk over 200 cows. The milk generated by the dairy's cows is sent to Saputo Cheese in Black Creek and made into a variety of cheeses. It is evident the agricultural community greatly respects the Goers' contributions to the dairy industry as Matt was recently honored by the Shawano Area Agricultural Society as Shawano County's Outstanding Young Farmer of the Year.

The Shawano County Farm Bureau organizes the annual Brunch on the Farm by recruiting host farms, sponsors, and volunteers to support this terrific event. Comprised of farmers and agribusiness professionals, the Shawano County Farm Bureau promotes agricultural education, leadership and awareness within the community.

Madam Speaker, I urge all members of this body to join me in commending the efforts of Brunch on the Farm to educate the community through this time-honored tradition. Thank you to Goers Family Dairy, the Shawano County Farm Bureau, and the countless sponsors and volunteers for their continued support of Wisconsin's dairy industry.

HONORING GAIL F. HOOD

**HON. BENNIE G. THOMPSON**

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a remarkable professional, Ms. Gail F. Hood.

Ms. Hood started her Law Enforcement career in 1990 with the Belzoni Police Department as a Telecommunicator. Ms. Hood later became a TAC Officer (Training Agency Coordinator) for the Belzoni Police Department. Ms. Hood's responsibilities included: Implementing policies and procedures, scheduling of work assignments, preparing for audits, and executing telecommunication training.

In April 2000, Ms. Hood transferred to the Humphrey's County Sheriffs Department, as Office Administrator. Ms. Hood is responsible for the direction, coordination and overall management of the department. Ms. Hood is responsible for assisting in implementing personnel policies and procedures, scheduling of work assignments and executing the objectives set by the Executive Officer. As Administrator, Ms. Hood additionally has an opportunity to apply and assist in obtaining grant funds for the Sheriffs Department. She also assists in other areas of the grant process including initializing, research, following-up communication and reports. Ms. Hood analyzes, monitors, and prepares weekly and monthly reports; cash journal reports, request for purchase orders, inventory receiving clerk, assisting in budget formulation and modification, audit preparation and reimbursements. Ms. Hood will follow all the guidelines set forth by the state for the allocation of said funds.

Madam Speaker, I ask my colleagues to join me in recognizing Ms. Gail Hood for her dedi-

cation to serving others and giving back to the community.

## PERSONAL EXPLANATION

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. DELAURO. Madam Speaker, I had a family commitment and so I missed Roll Call vote number 324 regarding the "Lesko Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 325 regarding the "Jackson Lee Amendment to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 326 regarding the "Jackson Lee Amendment to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 327 regarding the "Gosar/Luetkemeyer Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 328 regarding the "Grijalva Amendment to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 329 regarding the "Gosar Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 330 regarding the "Speier to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 331 "Meadows Amendment to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 332 regarding the "Lowey Amendments to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 333 regarding the "Empowering Beneficiaries, Ensuring Access, and Strengthening Accountability Act of 2019, as amended." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 334 regarding the "Grothman Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 335 regarding the "Walker Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 336 regarding the "Palmer Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 337 regarding the "Arrington Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 338 regarding the "Banks Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 339 regarding the "Lowey Amendments to H.R. 2740." Had I been present, I would have voted "Yes."

I missed Roll Call vote number 340 regarding the "Allen Amendment to H.R. 2740." Had I been present, I would have voted "No."

I missed Roll Call vote number 341 regarding the "Visclosky Amendments to H.R. 2740." Had I been present, I would have voted "Yes."

RECOGNIZING HARRY PFISTER  
AND MANNA ON MAIN STREET

**HON. BRIAN K. FITZPATRICK**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. FITZPATRICK. Madam Speaker, I rise today to recognize an outstanding citizen from Montgomery County, Pennsylvania, who is working tirelessly to make our community a better place.

Master Harry Pfister, a 7th Degree Black Belt who serves as Vice President of Villari's Pennsylvania and Owner and Chief Instructor at Villari's of Chalfont, has been using his karate expertise as a way to assist a nonprofit organization in Lansdale. Since the 1990s, Master Pfister has hosted a "Kick-A-Thon," which to date has raised over \$100,000 for Manna on Main Street. This year, \$10,500 was raised.

I applaud Master Pfister for his work, and appreciate the commitment of Manna on Main Street to ending food insecurity in the North Penn region.

## INTRODUCTION OF THE FEDERAL POLICE CAMERA AND ACCOUNT- ABILITY ACT OF 2019

**HON. ELEANOR HOLMES NORTON**

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Ms. NORTON. Madam Speaker, today, Representative DONALD S. BEYER, Jr. and I introduced the Federal Police Camera and Accountability Act of 2019. This bill would require uniformed federal law enforcement officers to wear body cameras and marked police vehicles to have dashboard cameras. It would also require the Government Accountability Office to conduct a study on federal police officers' training, vehicle pursuits, use of force and interaction with citizens.

On November 17, 2017, Bijan Ghaisar was fatally shot in his car by uniformed U.S. Park Police officers in Fairfax County, Virginia; after a vehicle pursuit on the George Washington Memorial Parkway. Video of this shooting only became available through a camera in a Fairfax County Police Department patrol car that was providing backup. Had it not been for that footage, which was recorded and released by that local police department, the public would not have had access to the circumstances surrounding Mr. Ghaisar's death. Moreover, the footage revealed concerns about the Park Police's pursuit and engagement policies.

Body-worn and dashboard cameras for federal law enforcement officers are particularly important for the officers stationed in the nation's capital, where Park Police and the uniformed division of the U.S. Secret Service have full local police powers. Many other federal police also have local police powers near their respective agency buildings in the District of Columbia. Cameras can increase transparency for individual interactions with police, strengthen public trust and even deter future criminal behavior. For example, when criminals know that they are being recorded by a dashboard camera, they may be less likely to flee the scene of a traffic accident because

they realize that their license plate will be documented. Criminals may also be less likely to batter an officer because the recording may be used as evidence. On the other hand, officers will also be less likely to commit offenses for the same reason. Body-worn and dashboard cameras can also be used to train current and future officers more effectively in best and worst practices.

An increasing number of local law enforcement officers, including Metropolitan Police Department officers in the District, are wearing body cameras and using dashboard cameras. It is clear that both law enforcement and the public would benefit from federal officers following suit to increase transparency and maintain public trust.

I urge my colleagues to support this legislation.

RECOGNIZING THE 2019 PRINCE WILLIAM CHAMBER OF COMMERCE VALOR AWARD RECIPIENTS OF THE PRINCE WILLIAM COUNTY DEPARTMENT OF FIRE AND RESCUE

**HON. GERALD E. CONNOLLY**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. CONNOLLY. Madam Speaker, I rise to recognize the Prince William County Department of Fire and Rescue and its outstanding members who have demonstrated superior dedication to public safety and are the 2019 recipients of the prestigious Prince William Chamber of Commerce Merit Award and Valorous Unit Award for their service. The annual Prince William Chamber of Commerce Valor Awards recognize remarkable heroism and bravery above and beyond the line of duty exemplified by our public safety and law enforcement professionals.

For the past 33 years, the Prince William Chamber of Commerce has paid tribute to our firefighters, police officers, and emergency personnel for their extraordinary service. These brave men and women put their lives at risk on a daily basis to keep our families and neighborhoods safe. For fire and rescue personnel, no two days are alike. Always on the front lines, the Prince William County Department of Fire and Rescue is comprised of three sections: community safety, operations, and support systems. Dedicated service members of a combination career and volunteer system fight fires, provide emergency medical services, perform rescues, and work in our community to promote fire safety and prevention.

The Department of Fire and Rescue was founded in 1966, when just about 50,000 people lived in Prince William County. Through the years, the Department has had to continuously adapt as the population rapidly expanded to over 430,000 people. Yet, our Fire and Rescue department continues to provide high quality and efficient firefighting and emergency medical services to our community. They provide around the clock services from 22 fire stations in a county spanning 348 square miles.

In recognition of their acts of valor, it is my honor to include in the Record the following names of the Prince William County Department of Fire and Rescue public safety personnel:

Merit Award for Valor: Technician I Cody Durham, Lieutenant Nick Feliciano, Technician II Chris Gott, Lieutenant Kenneth Zack.

Valorous Unit: Technician II Christopher Clark, Technician II Daniel Jackson, Technician I Kevin Ganssle, Technician I Michael Baker, Captain Brian Ferguson, Technician I Victor Vega, Technician I Aldo Bonilla, Technician I Michael Chergosky.

Madam Speaker, I ask my colleague to join me in recognizing the 2019 Prince William Chamber of Commerce Valor Award recipients of the Prince William County Department of Fire and Rescue. The selfless acts of heroism by this distinguished group of men and women truly merits our highest praise. I thank each honoree, as well as all Prince William County Department of Fire and Rescue public safety professionals for their dedication and commitment to the protection of our communities.

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2020

SPEECH OF

**HON. STEVE CHABOT**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 13, 2019

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 2740) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, and for other purposes:

Mr. CHABOT. Mr. Chair, I believe that additional Congressional emphasis on demining efforts in Nagorno-Karabakh is unnecessary at this time since demining will be complete next year, according to the Halo Trust.

Moving forward, we all hope that peace between Azerbaijan and Armenia is on the horizon. And it very well may be. In a few weeks, senior U.S. negotiators will meet with the Foreign Ministers of both Azerbaijan and Armenia to advance the prospect of peace in Nagorno-Karabakh under the Minsk Process. As we watch this process which is clearly working, Congress should let negotiations play out.

RECOGNIZING THE IMPORTANCE OF JUNETEENTH NATIONAL FREEDOM DAY

**HON. STEVE KING**

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. KING of Iowa. Madam Speaker, today, I rise to recognize, June 19th, 2019 as Juneteenth National Freedom Day. Juneteenth, or the "19th of June", recognizes the day, in 1865, in Galveston, Texas, when Union Army Major General Gordon Granger announced freedom for all slaves in Texas.

Major General Granger's arrival in Galveston occurred more than two years after the Emancipation Proclamation was signed and enforced by President Lincoln. Upon the

issuance of General Order No. 3 by Major General Granger, the former slaves, and now free men and women celebrated ecstatically. Currently, 46 states recognize Juneteenth as an official state holiday.

In 2002, I proposed "An Act relating to the designation of a Juneteenth National Freedom Day" in the Iowa Senate. That bill was enacted by the Iowa General Assembly and was signed into law by then Governor Thomas J. Vilsack. The proclamation encouraged all state governmental entities, civil organizations, educational institutions to "observe the day ... (the third Saturday in June) in a manner that emphasizes the meaning and importance of the Emancipation Proclamation that ended slavery and to recognize and celebrate the importance of [Juneteenth] to every person who cherishes liberty and equality for all people." This historic legislation was passed unanimously by the Iowa State House and Senate, and the signature by Governor Vilsack designated Iowa as the seventh state to recognize Juneteenth as a state holiday.

Madam Speaker, I thank you for allowing me to recognize Juneteenth National Freedom Day and I hope we, as a Congress, continue to recognize and to acknowledge this important piece of American history and the advancements we have made since then.

SSB 3151

An Act relating to the designation of a Juneteenth National Freedom Day

*Be it enacted by the General Assembly of the State of Iowa:*

Section 1. *New Section.* 1C.12 Juneteenth National Freedom Day.

The governor of this state is hereby authorized and requested to issue annually a proclamation designating the third Saturday in June as Juneteenth National Freedom Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the emancipation proclamation that ended slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people.

EXPLANATION

This bill authorizes and requests the governor to issue annually a proclamation designating the third Saturday in June as Juneteenth National Freedom Day. The proclamation is also intended to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the emancipation proclamation that ended slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people.

SF 2273

(Successor to SSB 3151)

Passed Senate, Date 2/28/02; Passed House, Date 3/21/02.

Vote: Ayes 47 Nays 0; Vote: Ayes 95 Nays 0. Approved April 11, 2002.

An Act relating to the designation of a Juneteenth National Freedom Day.

*Be it enacted by the General Assembly of the State of Iowa:*

Section 1. *New Section.* 1C.12 Juneteenth National Freedom Day.

The governor of this state is hereby authorized and requested to issue annually a

proclamation designating the third Saturday in June as Juneteenth National Freedom Day and to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the emancipation proclamation that ended slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people.

## EXPLANATION

This bill authorizes and requests the governor to issue annually a proclamation designating the third Saturday in June as Juneteenth National Freedom Day. The proclamation is also intended to encourage all governmental entities, civic organizations, schools, and institutions of higher education in the state to observe the day in a manner that emphasizes the meaning and importance of the emancipation proclamation that ended slavery in the United States and to recognize and celebrate the importance of this day to every person who cherishes liberty and equality for all people.

MARY E. KRAMER,  
*President of the Senate.*

BRENT SIEGRIST,  
*Speaker of the House.*

I hereby certify that this bill originated in the Senate and is known as Senate File 2273, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL,  
*Secretary of the Senate.*

Approved 4/11, 2002.

THOMAS J. VILSACK,  
*Governor.*

### HONORING GEORGE TORRIE JACKSON, JR.

#### HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. THOMPSON of Mississippi. Madam Speaker, I rise today to honor a remarkable public servant, Lieutenant Colonel George Torrie Jackson, Jr. who is a native of Jackson, MS.

LTC Jackson holds a bachelor's degree in Political Science and master's degree in Education Administration, both from Jackson State University. LTC Jackson is a 30-year member of the U.S. Army Reserve/Mississippi Army National Guard and veteran of Operation Iraq Freedom. He began his military career as a Petroleum Laboratory Specialist (E-3) (894th Quartermaster Company, Jackson, MS—1988–1992), then as a Finance Specialist (E-4) (210th Finance Battalion, Jackson, MS—1992–1996). LTC Jackson was commissioned through the Mississippi Military Academy (Class 38), Camp Shelby, MS in 1996. As a commissioned officer, LTC Jackson has held many duty assignments to include positions as a Subsistence Officer, (114th Area Support Group, Hattiesburg, MS—1996–1997), Platoon Leader (3656th Maintenance Company, Camp Shelby, MS—1997–1998), Detachment Commander (3656th Maintenance Company, DET 1, Waynesboro, MS—1998–2000), Maintenance Control Officer/Executive Officer (3656th Maintenance Company, Camp Shelby, MS—2000–2001), Detachment Commander/Executive Officer (3656th Maintenance Company, DET 2, Gloster, MS—2001–2002), S-1 Personnel Officer (298th Maintenance Bat-

alion, Philadelphia, MS—2002–2003), Service and Support Officer (114th Area Support Group, Hattiesburg, MS—2003–2006). During Operation Iraqi Freedom (2004) LTC Jackson served as the C4 Sustainment Battle Captain and Coalition Acquisition Review Board (CARB and Super CARB) secretary. His next successive assignments included Company Commander (1/185th Aviation Battalion, E Company, Jackson, MS—2006–2008), S-3 Operations Officer (8/108th Transportation Battalion, Jackson, MS—2008–2012), Executive Officer (8/108th Transportation Battalion, Jackson, MS—2012–2014), and Materiel Readiness Branch Chief (377th Theater Sustainment Command, Belle Chasse, LA—2014–2016).

LTC Jackson currently serves as the Battalion Commander of the 5th Logistic Civil Augmentation Program (LOGCAP) Support Battalion, located in Sheffield, AL.

LTC Jackson's awards and commendations include the Meritorious Service Medal, Army Commendation Medal, NATO Medal, Afghanistan Campaign Medal, Army Achievement Medal, Army Reserve Component Achievement Medal, National Defense Service Medal, Global War On Terrorism Expeditionary Medal, Armed Forces Reserve Medal, Army Service Ribbon, Meritorious Unit Commendation, Overseas Service Ribbon, Humanitarian Service Medal, Armed Forces Reserve Medal, Mississippi Emergency Service Medal and the Mississippi Longevity Medal.

In his civilian capacity, LTC Jackson serves as a school administrator for the Holmes County School District Central High School, located in Lexington, MS, and holds the rank of Lieutenant with the Hinds County Sheriffs Office—Reserve Division in Jackson, MS. LTC Jackson, his wife, Dr. Debra Mays-Jackson, and two sons, Cameron and Kendall, currently live in Terry, MS.

Madam Speaker, I ask my colleagues to join me in recognizing the late Lieutenant Colonel George Torrie Jackson, Jr.

### IN RECOGNITION OF THE TRADITION OF SUNDAE ON THE FARM IN CALUMET COUNTY

#### HON. MIKE GALLAGHER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. GALLAGHER. Madam Speaker, I rise today to recognize the tradition of Sundae on the Farm in Calumet County hosted this year by Jenlar Holsteins and Brown Swiss in Chilton.

Sundae on the Farm is an iconic Calumet County tradition that provides the community an opportunity to see first-hand how a dairy farm operates and learn about the significant role the dairy industry plays in Wisconsin's economy. Community members meet dairy farmers, explore the barns and equipment, and enjoy delicious cheese and ice cream.

I am grateful to Jenlar Holsteins and Brown Swiss for hosting the 2019 Calumet County Sundae on the Farm. Andy and Joan Meyer started their farm in 1970 with one calf. Today, three generations of the Meyer Family farms and milks over 120 cows. The Meyers continuously strive to improve their farm, utilizing innovative practices like sand bedding and a

robotic milking system to make the cows more comfortable. The operation of the farm has changed over time, but the Meyer Family's pride in their work remains strong.

The Calumet County Dairy Promotion Committee organizes Sundae on the Farm by recruiting host farms, sponsors, and volunteers to support this terrific event. To continue the promotion of agriculture throughout the year, the Committee provides educational opportunities to communities across Calumet County.

Madam Speaker, I urge all members of this body to join me in commending the efforts of the Sundae on the Farm to educate the community through this time-honored tradition. Thank you to the Meyers, the Calumet County Dairy Promotion Committee, and the countless sponsors and volunteers for their continued support of Wisconsin's dairy industry.

### RECOGNIZING THE PRINCE WILLIAM COUNTY POLICE DEPARTMENT 2019 PRINCE WILLIAM CHAMBER OF COMMERCE VALOR AWARD RECIPIENTS

#### HON. GERALD E. CONNOLLY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, June 19, 2019*

Mr. CONNOLLY. Madam Speaker, I rise to commend the Prince William County Police Department and its outstanding members who have demonstrated superior dedication to ensuring the safety of their colleagues and members of the community and their designation as 2019 Prince William Chamber of Commerce Valor Award recipients. The annual Valor Awards ceremony recognizes the remarkable heroism and bravery above and beyond the line of duty exemplified by our public safety and law enforcement professionals. For the past 33 years, the Prince William Chamber of Commerce has paid tribute to police officers, firefighters, and emergency personnel for their extraordinary service.

Our public safety and law enforcement workforces put their lives at risk on a daily basis to keep our families and neighborhoods safe. In recognition of acts of valor, we award the following honorees for their demonstrated extraordinary dedication and outstanding performance under unusually difficult or dangerous circumstances. It is my honor to include in the RECORD the following names of the Prince William County Police Department law enforcement professionals:

Investigative Merit Award: Officer Ronald Carpio, Detective Lourdes Cainas, Crime Scene Analyst Rebekah Kushner, Crime Scene Specialist Shreya Kamath, Rose Hellmann, Detective Katherine Zaimis, Detective Jonathan Kennedy, Detective Donald DeShazo.

Gold Medal for Valor: Officer John Yenchak, Officer Franco Martinez, Officer Rachel Mynier, Officer Matthew Takats, Officer Evan Jurgensen, Officer Taylor Calton, Officer Benjamin Infanti, Officer Wade Dickinson, Officer Travis Hardman, First Sergeant Daniel Crawford, Officer Kevin Vasquez, Sergeant David Bliss.

Silver Medal for Valor: Officer Joshua Myers, Officer Christopher Hume, Officer Jonathan Seals, Investigator Robert Drumm, Officer Brian Kimble.

Gold Medal for Valor and a Silver Medal for Valor: Officer Nicholas Kelly, Officer Jordanis Lozier.

Investigative Merit Award: Detective Nathan Thomas, Detective Robyn Hyatt, Detective Victor Cordero, Detective Josh Lane, Crime Analyst Jacquelin Graham, Crime Analyst Dawn Locke-Trillhaase.

Merit Award for Valor: Officer Sean A. Richards.

Hillary Robinette Award: Officer Darrick Dillon, Detective Joshua Lane, Detective Jeremy Booth, Detective Simon Chu, Detective Alicia Larkins, Detective Kevin Morin, Detective Matthew Newton, Detective Walter O'Neal, Detective Daniel Sekely, Detective Wayne Smith, Detective Nicholas Waymire, Detective Robert White, Sergeant Ryan Pavol, First Sergeant Kenneth Hulse, Special Victims Bureau—Detective Helga Thorsdottir.

Madam Speaker, I ask my colleagues to join me in recognizing the 2019 Prince William Chamber of Commerce Valor Award recipients of the Prince William County Police Department. The selfless acts of heroism by this distinguished group of men and women merits our highest praise. I thank each honoree, as well as all Prince William County Police Department law enforcement professionals, for their dedication and commitment to the protection of our communities.

#### IN RECOGNITION OF THE 45TH ANNIVERSARY OF THE THURSDAY LUNCHEON GROUP

#### HON. GREGORY W. MEEKS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 19, 2019

Mr. MEEKS. Madam Speaker, I rise today to honor the Thursday Luncheon Group, an organization that serves as an effective platform to help African-Americans play an equitable role in the formulation, articulation, and implementation of U.S. foreign policy.

When I travel the world, I witness firsthand the importance of having an inclusive diplomatic corps reflecting the American people's rich cultural tapestry. As the U.S. Department of State's oldest Employee Affinity Group, TLG has been instrumental in leading the charge to promote diversity within the State Department and the U.S. Agency for International Development.

In 1973, two senior USIA Officers, William B. Davis and Robert A. Dumas, urged their friends at USIA, the State Department, and USAID to consider what could be done to encourage a significant role for African-Americans in foreign affairs. These founding members began meeting regularly on the first Thursday of every month to discuss issues affecting the careers of African American Foreign Service and Civil Service personnel and to create space for open exchanges with guest speakers. This group of trailblazers understood then, as we fully appreciate now, the struggle for representation is often long but begins with a dedicated few.

Nearly five decades later, the Thursday Luncheon Group has over 500 members, including retired and current Department of State and USAID employees, and dedicated members from five other federal agencies. Their members have taken prominent roles in

the development and execution of U.S. foreign policy, including Chiefs of Mission, Career Ambassadors, and Assistant Secretaries. TLG members monitor recruitment, assignments, employment practices, training and other matters of vital interest to minorities at the State Department and USAID.

In addition, TLG works to improve the career development and networking opportunities among their members. The organization is committed to mentoring entry-level and mid-level officers in an effort to prepare them to become the future leaders in international affairs.

What is most impressive is their commitment to giving back. The organization sponsors two paid summer internships at the Department of State. TLG also established the Terence A. Todman Book scholarship (named after the first African American to be named Career Ambassador, the highest rank among the diplomatic corps) for students at eight Historically Black Colleges and Universities.

With the Thursday Luncheon Group's strong commitment to diversity and excellence in international affairs, TLG has set the standard for all other affinity to follow. I congratulate the members of the Thursday Luncheon Group for forty-five years of service to our country. Our country is better because of your service.

#### SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate of February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place and purpose of the meetings, when scheduled and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 20, 2019 may be found in the Daily Digest of today's RECORD.

#### MEETINGS SCHEDULED

##### JUNE 25

9:45 a.m.

Committee on Agriculture, Nutrition, and Forestry

To hold hearings to examine the state of the derivatives market and perspectives for Commodity Futures Trading Commission reauthorization.

SR-328A

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold hearings to examine whether Fannie Mae and Freddie Mac should be designated as systematically important financial institutions.

SD-538

Committee on Commerce, Science, and Transportation

Subcommittee on Communications, Technology, Innovation, and the Internet

To hold hearings to examine the use of persuasive technology on internet platforms, focusing on optimizing for engagement.

SH-216

Committee on Energy and Natural Resources

To hold hearings to examine the implementation of the Land and Water Conservation Fund program.

SD-366

2:15 p.m.

Committee on Foreign Relations

Business meeting to consider S. 727, to combat international extremism by addressing global fragility and violence and stabilizing conflict-affected areas, S. 1102, to promote security and energy partnerships in the Eastern Mediterranean, S. 1309, to identify and combat corruption in countries, to establish a tiered system of countries with respect to levels of corruption by their governments and their efforts to combat such corruption, and to assess United States assistance to designated countries in order to advance anti-corruption efforts in those countries and better serve United States taxpayers, S. Res. 34, expressing the sense of the Senate that the Governments of Burma and Bangladesh ensure the safe, dignified, voluntary, and sustainable return of the Rohingya refugees who have been displaced by the campaign of ethnic cleansing conducted by the Burmese military and to immediately release unjustly imprisoned journalists, Wa Lone and Kyaw Soe Oo, S. Res. 198, condemning Brunei's dramatic human rights backsliding, S. Res. 206, marking the 70th anniversary of the four Geneva Conventions of 1949, expressing concern about significant violations of international humanitarian law on contemporary battlefields, and encouraging United States leadership in ensuring greater respect for international humanitarian law in current conflicts, particularly with its security partners, S. Con. Res. 10, recognizing that Chinese telecommunications companies such as Huawei and ZTE pose serious threats to the national security of the United States and its allies, the Protocol Amending the Convention between the United States of America and the Kingdom of Spain for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and its Protocol, signed at Madrid on February 22, 1990 (Treaty Doc.113-04), protocol Amending the Convention between the United States of America and the Swiss Confederation for the Avoidance of Double Taxation with Respect to Taxes on Income, signed at Washington on October 2, 1996, signed on September 23, 2009, at Washington, as corrected by an exchange of notes effected November 16, 2010 and a related agreement effected by an exchange of notes on September 23, 2009 (Treaty Doc.112-01), the Protocol Amending the Convention between the Government of the United States of America and the Government of Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and a related agreement entered into by an exchange of notes (together the "proposed Protocol"), both signed

on January 24, 2013, at Washington, together with correcting notes exchanged March 9 and March 29, 2013 (Treaty Doc.114-01), protocol Amending the Convention between the Government of the United States of America and the Government of the Grand Duchy of Luxembourg for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed on May 20, 2009, at Luxembourg (the "proposed Protocol") and a related agreement effected by the exchange of notes also signed on May 20, 2009 (Treaty Doc.111-08), the nomination of Eliot Pedrosa, of Florida, to be United States Executive Director of the Inter-American Development Bank, and other pending calendar business.

S-116

2:30 p.m.

Committee on Commerce, Science, and Transportation

Subcommittee on Transportation and Safety

To hold hearings to examine technological innovations in transportation.

SD-562

JUNE 26

9:30 a.m.

Committee on Homeland Security and Governmental Affairs

To hold hearings to examine unprecedented migration at the United States southern border, focusing on the exploitation of migrants through smuggling, trafficking, and involuntary servitude.

SD-342

10 a.m.

Committee on Commerce, Science, and Transportation

To hold hearings to examine Amtrak, focusing on next steps for passenger rail.

SH-216

Committee on Energy and Natural Resources

Subcommittee on Water and Power

To hold hearings to examine S. 325, to require the Secretary of the Interior to convey the Garrison Diversion Unit Project Oakes Test Area in Dickey County, North Dakota, to the Dickey-Sargent Irrigation District, S. 860, to amend the Omnibus Public Land Management Act of 2009 to modify the terms of the Jackson Gulch rehabilitation project in Colorado, S. 990, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program First Increment Extension for threatened and endangered species in the Central and Lower Platte River Basin, S. 1305, to establish a Federal cost share percentage for the Milk River Project in the State of Montana, S. 1758, to extend a repayment contract relating to the Purgatoire River Water Conservancy District and to authorize the District to develop an excess capacity contract to offset repayment costs, and S. 1882, to make available the continued use of Pick-Sloan Missouri Basin Program project use power by the Kinsey Irrigation Company and the Sidney Water Users Irrigation District.

SD-366

Committee on the Judiciary

To hold hearings to examine pending nominations.

SD-226

10:15 a.m.

Committee on Foreign Relations

Business meeting to consider pending calendar business.

S-116

2:30 p.m.

Committee on the Budget

To hold hearings to examine fixing a broken budget and spending process, fo-

cusing on securing the nation's fiscal future.

SD-608

Committee on Small Business and Entrepreneurship

To hold hearings to examine reauthorization of the Small Business Administration's Small Business Investment Company program.

SR-428A

JUNE 27

10 a.m.

Committee on Banking, Housing, and Urban Affairs

To hold an oversight hearing to examine reauthorization of the Export-Import Bank of the United States.

SD-538

Committee on Energy and Natural Resources

To hold hearings to examine options for the interim and long-term storage of nuclear waste, including S. 1234, to establish a new organization to manage nuclear waste, provide a consensual process for siting nuclear waste facilities, ensure adequate funding for managing nuclear waste.

SD-366

JULY 23

2:30 p.m.

Committee on the Judiciary

Subcommittee on Antitrust, Competition Policy and Consumer Rights

To hold an oversight hearing to examine enforcement of the antitrust laws.

SD-226

# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S3807–S4129*

**Measures Introduced:** Twenty-three bills and two resolutions were introduced, as follows: S. 1892–1914, and S. Res. 252–253. **Pages S3843–44**

#### Measures Reported:

H.R. 1198, to designate the facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, as the “Henderson Veterans Memorial Post Office Building”.

H.R. 1449, to designate the facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, as the “Captain Robert L. Martin Post Office”.

S. 349, to require the Secretary of Transportation to request nominations for, and make determinations regarding, roads to be designated under the national scenic byways program, with an amendment in the nature of a substitute.

S. 1014, to establish the Route 66 Centennial Commission.

S. 1272, to designate the facility of the United States Postal Service located at 575 Dexter Street in Central Falls, Rhode Island, as the “Elizabeth Buffum Chace Post Office”.

S. 1345, to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act.

S. 1507, to include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, with an amendment in the nature of a substitute.

S. 1689, to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances.

S. 1759, to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the “Richard G. Lugar Post Office Building”.

S. 1833, to transfer a bridge over the Wabash River to the New Harmony River Bridge Authority and the New Harmony and Wabash River Bridge Authority.

S. 1900, making emergency supplemental appropriations for the fiscal year ending September 30, 2019. **Page S3843**

#### Measures Passed:

**Juneteenth Independence Day:** Senate agreed to S. Res. 253, designating June 19, 2019, as “Juneteenth Independence Day” in recognition of June 19, 1865, the date on which news of the end of slavery reached the slaves in the Southwestern States. **Page S3836**

#### Measures Considered:

**National Defense Authorization Act—cloture:** Senate resumed consideration of the motion to proceed to consideration of S. 1790, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. **Pages S3831, S3834–36**

During consideration of this measure today, Senate also took the following action:

By 88 yeas to 11 nays (Vote No. 176), three-fifths of those Senators duly chosen and sworn, having voted in the affirmative, Senate agreed to the motion to close further debate on the motion to proceed to consideration of the bill. **Pages S3830–31**

**Resolutions of Disapproval of Proposed Transfers of Certain Defense Articles and Services—Agreement:** Senate began consideration of S.J. Res. 27, providing for congressional disapproval of the proposed transfer to the United Arab Emirates, United Kingdom and Australia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 28, providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 29, providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 30, providing for congressional disapproval of the proposed



foreign military sale to the United Arab Emirates of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 31, providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 32, providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 33, providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 34, providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 35, providing for congressional disapproval of the proposed foreign military sale to the United Arab Emirates of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 36, providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia, the United Kingdom of Great Britain and Northern Ireland, the Kingdom of Spain, and the Italian Republic of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 37, providing for congressional disapproval of the proposed export to the United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, and the Republic of France of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 38, providing for congressional disapproval of the proposed export to the Kingdom of Saudi Arabia and the United Kingdom of Great Britain and Northern Ireland of certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 39, providing for congressional disapproval of the proposed export to the United Arab Emirates and United Kingdom of certain defense articles, including technical data and defense services. **Pages S3831–34**

Senate began consideration of S.J. Res. 40, providing for congressional disapproval of the proposed export to India, Israel, Republic of Korea, and Kingdom of Saudi Arabia of certain defense articles, including technical data and defense services. **Pages S3831–34**

Senate began consideration of S.J. Res. 41, providing for congressional disapproval of the proposed export to the Government of Saudi Arabia and the United Arab Emirates and the United Kingdom of

Great Britain and Northern Ireland of technical data and defense services. **Pages S3831–34**

Senate began consideration of S.J. Res. 42, providing for congressional disapproval of the proposed export to the United Arab Emirates and the United Kingdom of Great Britain and Northern Ireland of certain defense articles, including technical data and defense services. **Pages S3831–34**

Senate began consideration of S.J. Res. 43, providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 44, providing for congressional disapproval of the proposed retransfer of certain defense articles from the United Arab Emirates to the Hashemite Kingdom of Jordan. **Pages S3831–34**

Senate began consideration of S.J. Res. 45, providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 46, providing for congressional disapproval of the proposed transfer to the United Arab Emirates certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 47, providing for congressional disapproval of the proposed transfer to the Kingdom of Saudi Arabia certain defense articles and services. **Pages S3831–34**

Senate began consideration of S.J. Res. 48, providing for congressional disapproval of the proposed transfer to the United Arab Emirates certain defense articles and services. **Pages S3831–34**

A unanimous-consent agreement was reached providing that notwithstanding Rule XXII, Senate debate the resolutions concurrently, and that at 11:30 a.m., on Thursday, June 20, 2019, Senate vote on passage of the resolutions in the following order: S.J. Res. 36, S.J. Res. 38, and then vote on the remaining resolutions en bloc, with no intervening action or debate; and that if the Senate receives a veto message with respect to any or all of the enumerated joint resolutions of disapproval, then, notwithstanding Rule XXII, consideration of the veto message be limited to 30 hours of concurrent debate for all messages, and Senate vote on passage of the joint resolutions, the objections of the President to the contrary notwithstanding, in the following order (if a veto message is received): S.J. Res. 36, S.J. Res. 38, and all remaining joint resolutions en bloc. **Page S3831**

A unanimous-consent-time agreement was reached providing for further consideration of the pending joint resolutions, en bloc, at approximately 9:30 a.m., on Thursday, June 20, 2019; that 15 minutes be under the control of Senator Menendez, and 5

minutes be under the control of Senator Risch prior to 11:30 a.m.; and that all time since cloture on the motion to proceed to S. 1790, National Defense Authorization Act was invoked, recess, adjournment, morning business and Leader remarks, and during consideration of the resolutions en bloc, count post-cloture on the motion to proceed to S. 1790.

Page S4125

**Nominations Confirmed:** Senate confirmed the following nominations:

By 52 yeas to 46 nays (Vote No. EX. 172), Matthew J. Kacsmayk, of Texas, to be United States District Judge for the Northern District of Texas.

Pages S3807–29

By 54 yeas to 44 nays (Vote No. EX. 173), Allen Cothrel Winsor, of Florida, to be United States District Judge for the Northern District of Florida.

Pages S3829–30

By 77 yeas to 21 nays (Vote No. EX. 174), James David Cain, Jr., of Louisiana, to be United States District Judge for the Western District of Louisiana.

Page S3830

By 53 yeas to 46 nays (Vote No. EX. 175), Greg Gerard Guidry, of Louisiana, to be United States District Judge for the Eastern District of Louisiana.

Page S3830

**Messages from the House:**

Page S3840

**Executive Communications:**

Pages S3840–42

**Petitions and Memorials:**

Pages S3842–43

**Executive Reports of Committees:**

Page S3843

**Additional Cosponsors:**

Pages S3844–49

**Statements on Introduced Bills/Resolutions:**

**Additional Statements:**

Pages S3837–40

**Amendments Submitted:**

Pages S3850–S4104

**Authorities for Committees to Meet:**

Pages S4104–05

**Privileges of the Floor:**

Page S4105

**Record Votes:** Five record votes were taken today. (Total—176)

Pages S3829–31

**Adjournment:** Senate convened at 9:30 a.m. and adjourned at 6:45 p.m., until 9:30 a.m. on Thursday, June 20, 2019. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S4125.)

## Committee Meetings

(Committees not listed did not meet)

### BUSINESS MEETING

*Committee on Appropriations:* Committee ordered favorably reported an original bill entitled, "Emergency

Supplemental Appropriations for Humanitarian Assistance and Security at the Southern Border, 2019".

### BUDGET PROCESS

*Committee on the Budget:* Committee concluded a hearing to examine fixing a broken budget process, focusing on lessons from states, after receiving testimony from Eli Bebout, Wyoming State Senator, and Chairman, Wyoming Senate Appropriations Committee, Riverton; John Hicks, National Association of State Budget Officers, Washington, D.C.; and Benjamin Orr, Maryland Center on Economic Policy, Baltimore.

### FAST ACT REAUTHORIZATION

*Committee on Commerce, Science, and Transportation:* Committee concluded a hearing to examine the Fixing America's Surface Transportation Act reauthorization, focusing on transportation and safety issues, after receiving testimony from Ronald L. Batory, Administrator, Federal Railroad Administration, Raymond Martinez, Administrator, Federal Motor Carrier Safety Administration, Joel Szabat, Assistant Secretary for Aviation and International Affairs, Office of the Secretary of Transportation, and Heidi King, Deputy Administrator, National Highway Traffic Safety Administration, all of the Department of Transportation.

### NATIONAL PARKS LEGISLATION

*Committee on Energy and Natural Resources:* Subcommittee on National Parks concluded a hearing to examine S. 225, to provide for partnerships among State and local governments, regional entities, and the private sector to preserve, conserve, and enhance the visitor experience at nationally significant battlefields of the American Revolution, War of 1812, and Civil War, S. 298, to establish the Springfield Race Riot National Historic Monument in the State of Illinois, S. 327, to amend the Federal Lands Recreation Enhancement Act to provide for a lifetime National Recreational Pass for any veteran with a service-connected disability, S. 389, to authorize the Society of the First Infantry Division to make modifications to the First Division Monument located on Federal land in Presidential Park in the District of Columbia, S. 641, to update the map of, and modify the maximum acreage available for inclusion in, the Yucca House National Monument, S. 774, to adjust the boundary of the Santa Monica Mountains National Recreation Area to include the Rim of the Valley Corridor, S. 849, to provide for the inclusion on the Vietnam Veterans Memorial Wall of the names of the lost crew members of the U.S.S. Frank E. Evans killed on June 3, 1969, S. 1152, to provide for the transfer of administrative jurisdiction over

certain parcels of Federal land in Arlington, Virginia, S. 1582, to establish the White Sands National Park in the State of New Mexico as a unit of the National Park System, and S. 1705, to authorize the Every Word We Utter Monument to establish a commemorative work in the District of Columbia and its environs, after receiving testimony from Senator Cramer; and P. Daniel Smith, Deputy Director, exercising the authority of the Director, National Park Service, Department of the Interior.

### BUSINESS MEETING

*Committee on Environment and Public Works:* Committee ordered favorably reported the following business items:

S. 1345, to amend and reauthorize the Morris K. Udall and Stewart L. Udall Foundation Act;

S. 1833, to transfer a bridge over the Wabash River to the New Harmony River Bridge Authority and the New Harmony and Wabash River Bridge Authority;

S. 1014, to establish the Route 66 Centennial Commission;

S. 349, to require the Secretary of Transportation to request nominations for, and make determinations regarding, roads to be designated under the national scenic byways program, with an amendment in the nature of a substitute;

S. 1507, to include certain perfluoroalkyl and polyfluoroalkyl substances in the toxics release inventory, with an amendment in the nature of a substitute;

S. 1689, to permit States to transfer certain funds from the clean water revolving fund of a State to the drinking water revolving fund of the State in certain circumstances;

38 General Services Administration resolutions; and

The nominations of Robert Wallace, of Wyoming, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, and William B. Kilbride, to be a Member of the Board of Directors of the Tennessee Valley Authority.

### NOMINATION

*Committee on Foreign Relations:* Committee concluded a hearing to examine the nomination of Kelly Craft, of Kentucky, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Representative of the United States of America in the Security Council of the United Nations, and to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during her tenure of service as Representative of the United States of America to the United Nations, after the nominee, who was introduced by Senator

McConnell, testified and answered questions in her own behalf.

### IRAN'S RECENT ESCALATION

*Committee on Foreign Relations:* Committee received a closed briefing with the Committee on Armed Services on Iran's recent escalation and United States policy responses from Brian H. Hook, Special Representative for Iran, Department of State; Kathryn Wheelbarger, Acting Assistant Secretary for International Security Affairs, Department of Defense; and officials of the intelligence community.

### BUSINESS MEETING

*Committee on Homeland Security and Governmental Affairs:* Committee ordered favorably reported the following business items:

S. 1867, to amend the Homeland Security Act of 2002 to establish in the Department of Homeland Security an Unmanned Aircraft Systems Coordinator;

S. 1877, to establish procedures and consequences in the event of a failure to complete regular appropriations, with an amendment in the nature of a substitute;

S. 1869, to require the disclosure of ownership of high-security space leased to accommodate a Federal agency, with an amendment in the nature of a substitute;

S. 1539, to amend the Homeland Security Act of 2002 to provide funding to secure nonprofit facilities from terrorist attacks;

S. 1419, to require agencies to publish an advance notice of proposed rule making for major rules, with an amendment in the nature of a substitute;

S. 1151, to prohibit contracting with persons that have business operations with the Maduro regime, with an amendment in the nature of a substitute;

S. 1521, to amend section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act to clarify that National Urban Search and Rescue Response System task forces may include Federal employees;

S. 1004, to increase the number of U.S. Customs and Border Protection Office of Field Operations officers and support staff and to require reports that identify staffing, infrastructure, and equipment needed to enhance security at ports of entry;

S. 1846, to amend the Homeland Security Act of 2002 to provide for engagements with State, local, Tribal, and territorial governments, with an amendment;

S. 1874, to amend title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficiency lighting products and to issue guidance on the efficiency, effectiveness, and economy of those

products, with an amendment in the nature of a substitute;

S. 979, to amend the Post-Katrina Emergency Management Reform Act of 2006 to incorporate the recommendations made by the Government Accountability Office relating to advance contracts, with an amendment;

S. 731, to amend the Anti-Border Corruption Act of 2010 to authorize certain polygraph waiver authority, with an amendment;

S. 734, to leverage Federal Government procurement power to encourage increased cybersecurity for Internet of Things devices, with an amendment in the nature of a substitute;

S. 1272, to designate the facility of the United States Postal Service located at 575 Dexter Street in Central Falls, Rhode Island, as the “Elizabeth Buffum Chace Post Office”;

S. 1759, to designate the facility of the United States Postal Service located at 456 North Meridian Street in Indianapolis, Indiana, as the “Richard G. Lugar Post Office Building”;

H.R. 150, to modernize Federal grant reporting, with an amendment in the nature of a substitute;

H.R. 1198, to designate the facility of the United States Postal Service located at 404 South Boulder Highway in Henderson, Nevada, as the “Henderson Veterans Memorial Post Office Building”;

H.R. 1449, to designate the facility of the United States Postal Service located at 3033 203rd Street in Olympia Fields, Illinois, as the “Captain Robert L. Martin Post Office”; and

The nominations of Jeffrey Byard, of Alabama, to be Administrator of the Federal Emergency Management Agency, and Troy D. Edgar, of California, to be Chief Financial Officer, both of the Department of Homeland Security, John McLeod Barger, of California, to be a Governor of the United States Postal Service, and B. Chad Bungard, of Maryland, to be a Member of the Merit Systems Protection Board.

## BUSINESS MEETING

*Committee on Indian Affairs:* Committee ordered favorably reported the following business items:

S. 1211, to provide for improvements to Tribal transportation facilities and Tribal transportation safety, with an amendment in the nature of a substitute; and

H.R. 1388, to take lands in Sonoma County, California, into trust as part of the reservation of the Lytton Rancheria of California.

## INDIAN AFFAIRS LEGISLATION

*Committee on Indian Affairs:* Committee concluded a hearing to examine S. 227, to direct the Attorney General to review, revise, and develop law enforcement and justice protocols appropriate to address

missing and murdered Indians, S. 288, to amend the Indian Civil Rights Act of 1968 to extend the jurisdiction of tribal courts to cover crimes involving sexual violence, S. 290, to protect Native children and promote public safety in Indian country, S. 982, to increase intergovernmental coordination to identify and combat violent crime within Indian lands and of Indians, and S. 1853, to require Federal law enforcement agencies to report on cases of missing or murdered Indians, after receiving testimony from Tracy Toulou, Director, Office of Tribal Justice, Department of Justice; Charles Addington, Director, Office of Justice Services, Bureau of Indian Affairs, Department of the Interior; Michelle Demmert, Central Council of Tlingit and Haida Indian Tribes of Alaska Supreme Court Chief Justice, Juneau; and Lynn Malerba, United South and Eastern Tribes Sovereignty Protection Fund, Washington, D.C.

## COMBATING KLEPTOCRACY

*Committee on the Judiciary:* Committee concluded a hearing to examine combating kleptocracy, focusing on beneficial ownership, money laundering, and other reforms, after receiving testimony from Clay R. Fuller, American Enterprise Institute, Tom Firestone, Baker McKenzie, and Sheila Krumholz, Center for Responsive Politics, all of Washington, D.C.; and Adam J. Szubin, Sullivan and Cromwell LLP, New York, New York.

## SBA RESPONSE TO CATASTROPHIC FLOODS

*Committee on Small Business and Entrepreneurship:* Committee concluded a hearing to examine the Small Business Administration's Office of Disaster Assistance and the response to recent catastrophic floods, including S. 862, to repeal the sunset for collateral requirements for Small Business Administration disaster loans, after receiving testimony from James Rivera, Associate Administrator, Office of Disaster Assistance, Small Business Administration; Lisa Shimkat, Iowa Small Business Development Center, Ames; Robin A. Barnes, Greater New Orleans, Inc., New Orleans, Louisiana; and Jason Barnes, All Time Toys, Eldersburg, Maryland.

## LEVERAGING VETERAN NETWORKS TO TACKLE SUICIDE

*Committee on Veterans' Affairs:* Committee concluded a hearing to examine leveraging veteran networks to tackle suicide, focusing on harnessing the power of community, after receiving testimony from Robert Wilkie, Secretary, and Keita Franklin, Executive Director, Suicide Prevention Program, Office of Mental Health and Suicide Prevention, Veterans Health Administration, both of the Department of Veterans Affairs; Major General Matthew T. Quinn, Adjutant General, Montana National Guard, Missoula; Colonel

Miguel D. Howe, USA (Ret.), George W. Bush Institute, Dallas, Texas; J. Michael Haynie, Syracuse University Institute for Veterans and Military Families, Syracuse, New York; Jessica Kavanagh, VetLinks, Baltimore, Maryland; and Lieutenant Colonel James Lorraine, USAF (Ret.), America's Warrior Partnership, Augusta, Georgia.

### **PRESCRIPTION DRUG PRICES**

*Special Committee on Aging:* Committee concluded a hearing to examine the complex web of prescription

drug prices, focusing on examining agency efforts to further competition and increase affordability, after receiving testimony from Demetrios Kouzoukas, Principal Deputy Administrator, and Director of the Center for Medicare, Centers for Medicare and Medicaid Services, Janet Woodcock, Director, Center for Drug Evaluation and Research, Food and Drug Administration, and Vicki L. Robinson, Senior Counselor for Policy, Office of Inspector General, all of the Department of Health and Human Services.

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## House of Representatives

### *Chamber Action*

**Public Bills and Resolutions Introduced:** 41 public bills, H.R. 3332–3372; and 6 resolutions, H.J. Res. 66 and 67; and H. Res. 448–451 were introduced.

**Pages H4916–18**

**Additional Cosponsors:**

**Pages H4919–20**

**Reports Filed:** Reports were filed today as follows:

H.R. 2500, to authorize appropriations for fiscal year 2020 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for such fiscal year, and for other purposes, with amendments (H. Rept. 116–120);

H.R. 2397, to amend the National Institute of Standards and Technology Act to make changes to the implementation of the network for manufacturing innovation, and for other purposes, with an amendment (H. Rept. 116–121);

H.R. 3351, making appropriations for financial services and general government for the fiscal year ending September 30, 2020, and for other purposes (H. Rept. 116–122)

**Page H4916**

**Recess:** The House recessed at 10:28 a.m. and reconvened at 12 noon.

**Page H4778**

**Guest Chaplain:** The prayer was offered by the Guest Chaplain, Pastor Ryan Hodges, Rocky Face Baptist Church, Hiddenite, North Carolina.

**Page H4778**

**Unanimous Consent Agreement—Consideration of H.R. 3055:** Agreed by unanimous consent that the amendment placed at the desk be considered as though printed as amendment No. 123 in Part B of House Report 116–119, if offered by Mrs. Lee (NV) or her designee, be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

**Page H4780**

**Recess:** The House recessed at 1:21 p.m. and reconvened at 1:30 p.m.

**Page H4787**

**Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2020:** The House passed H.R. 2740, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2020, by a yea-and-nay vote of 226 yeas to 203 nays, Roll No. 367. Consideration began Wednesday, June 12th.

**Pages H4789–97**

Rejected the Womack motion to recommit the bill to the Committee on Appropriations, by a recorded vote of 196 ayes to 231 noes, Roll No. 366.

**Pages H4795–96**

Pursuant to sec. 7(a) of H. Res. 445, the amendment printed in part C of H. Rept. 116–119 shall be considered as adopted in the House and in the Committee of the Whole.

**Page H4789**

**Agreed to:**

Kaptur en bloc amendment No. 3 that was debated on June 18th consisting of the following amendments printed in part A of H. Rept. 116–111: Wasserman Schultz (No. 65) that states that none of the funds made available by this Act may be used to issue a permit under section 404 of the Federal Water Pollution Control Act for the discharge of dredged or fill material from a project within Water Conservation Areas in the Everglades; Langevin (No. 71) that plus and minus of \$5 million within the Defense Nuclear Nonproliferation account in support of low-enriched uranium (LEU) research for naval reactors at the NNSA; Grijalva (No. 73) that increases Office of Indian Energy Policy and Program by 2 million and decreases Fossil Fuel Research and Development by 2.4 million; Castor (FL) (No. 83) that none of the funds made available in this Act may be used to finalize the Department of Energy's proposed

rule to rollback efficiency standards for certain light bulbs; Bera (No. 88) that increases and decreases Reclamation's Water and Related Resources Account by \$2 million to support the WaterSmart Program; Brendan F. Boyle (PA) (No. 94) that prevents funds from being used to reject any application for a grant due to the use of the term "global warming" or the term "climate change" in the application; Omar (No. 105) that clarifies that the Department of Energy's Section 1703 Loan Program is providing loans only to clean energy projects that avoid, reduce, or sequester air pollutants or human-caused emissions of greenhouse gases; Lee (NV) (No. 106) that increases funding for ARPA-E by \$3 million and decreases funding for Department of Energy Departmental Funds \$3 million; and García (No. 108) that increases funding for Energy Efficiency and Renewable Energy (EERE) by \$5 million and reduces funding for Fossil Fuel Research and Development by \$5 million (by a recorded vote of 233 ayes to 200 noes, Roll No. 360);

**Pages H4790-91**

Kaptur en bloc amendment No. 4 that was debated on June 18th consisting of the following amendments printed in part A of H. Rept. 116-111: Fleischmann (No. 66) that increases and decreases the Weapons Activities account by \$123 million for construction of critical infrastructure in NNSA; Norton (No. 67) that increases and decreases \$5 million from the Investigations fund to instruct USACE to prioritize funding for the Anacostia Watershed Restoration Program; Wilson (SC) (No. 68) that increases and decreases by \$6.5 million from the Defense Environmental Cleanup account to highlight the Savannah River Community and Regulatory Support under the Savannah River Site; Velázquez (No. 69) that increases and decreases the Army Corps of Engineers construction projects account by \$45,000,000 to support Cano Martin Pena environmental restoration project in San Juan, Puerto Rico and combat the environmental degradation and persistent flooding that disadvantages communities abutting the channel, as evidenced by Hurricanes Irma and Maria; Graves (MO) (No. 70) that moves \$4 million from the Bureau of Reclamation and adds \$4 million to the Army Corps funding for investigations; the intent of this amendment is for the \$4 million added to conduct investigations be used to study natural disasters that occurred in 2019, such as flooding in the Midwest; Walberg (No. 72) that increases funding for the office of Cybersecurity, Energy Security, and Emergency Response (CESER) at the Department of Energy by \$3 million to improve cybersecurity and emergency response for the bulk power system; Richmond (No. 74) that increases the Army Corps of Engineers Operations and Maintenance accounts by \$4,000,000 and decreases the Ad-

ministration Expenses account by the same amount; Richmond (No. 75) that increases and decreases funding to the Army Corps of Engineers Operation and Maintenance Accounts by \$75,000,000 for dredging activities; Richmond (No. 76) that provides \$5 million for construction projects under the Army Corps of Engineers for the construction of Louisiana Coastal Area Beneficial Use of Dredged Material restoration projects with an offset from Corps of Engineers expenses; Lipinski (No. 77) that redirects \$15,000,000 within the Department of Energy Office of Science account towards the Argonne Leadership Computing Facility; McKinley (No. 78) that transfers \$3 million from the Departmental Administration account to the Fossil Energy Research and Development account; Loeb sack (No. 79) that increases and then reduces the Energy Efficiency and Renewable Energy account by \$5,000,000 with the intent of supporting the advancement of distributed wind technologies and research; Welch (No. 81) that increases and decreases by \$40 million funding within the Army Corps Construction account (Division E) to fund dam rehabilitation work authorized by Section 3202 of the 2018 America's Water Infrastructure Act; Kuster (NH) (No. 82) that increases funding to the Northern Border Regional Commission, a rural economic development agency that supports job creation efforts and infrastructure projects in economically distressed rural communities; Perry (No. 84) that decreases funding for departmental administration by \$2 million and increase money for the Water Power Technologies Office within the Energy Efficiency and Renewable Energy Program by the same amount; Foster (No. 85) that adds and removes a dollar from this account for the purpose of instructing the National Academies of Sciences, Engineering, and Medicine to include a review of accelerator driven systems in its evaluation of the merits and viability of different nuclear fuel cycles and technology options, including both existing and future technologies; Hudson (No. 86) that increases and decreases \$1,317,808,000 from the Department of Energy's Office of Nuclear Energy for the purpose of creating a pilot program to provide energy resilience to Department of Defense and Department of Energy facilities by contracting with a commercial entity to site, construct, and operate a micro-reactor; Bera (No. 87) that increases funding for the National Levee Safety Inventory; Ruiz (No. 92) that increases and decreases by \$2 million within the Water and Related Resources Account in order to support projects with a public health benefit; Rouzer (No. 93) that decreases funding for the Office of the Assistant Secretary of the Army for Civil Works by \$2,000,000 and increases funding for the Army

Corps of Engineers Operations and Maintenance account by the same amount to carry out Section 1149 of the WIIN Act (Public Law 114–322); Estes (No. 95) that adds and removes five million to highlight the importance of properly funding Bureau of Reclamation ground water restoration projects; Plaskett (No. 98) that increases and decreases the Army Corps of Engineers construction projects account by \$100 million to support projects related to flood and storm damage reduction; Cloud (No. 99) that transfers \$3 million from the DOE Departmental Administration account to Nuclear Energy Research and Development account; Cloud (No. 100) that transfers \$3 million from DOE Departmental Administration account to Fossil Energy Research and Development account; Blunt Rochester (No. 101) that adds and removes \$1 million from the Army Corps of Engineers Investigations account for the purpose of instructing the Army Corps of Engineers to review all existing projects for which they are in arrears with project partners across the country, such as the Indian River Inlet project in Delaware; Lamb (No. 102) that reduces and increases funding to the Office of Nuclear Energy by \$1 million to emphasize the importance of research into increasing the cost effectiveness and efficiency of the domestic commercial nuclear fleet; O'Halleran (No. 104) that increases the Department of Energy Efficiency and Renewable Energy Account by \$1 million to support the Solar Ready Vets Program; Rouda (No. 107) that adds and removes \$5 million from the Corps of Engineers construction account for the purpose of highlighting the need to reauthorize Section 1043 of the Water Resources Reform and Development Act of 2014 and to include necessary changes to the pilot program in its reauthorization; Levin (CA) (No. 109) that provides funding for the Federal Energy Regulatory Commission to finalize its rulemaking on aggregated distributed energy resource participation in wholesale energy markets; Craig (No. 110) that increases by \$1 million the funding for the Army Corps of Engineers Investigations Account intended to be directed towards the National Flood Risk Management and Flood Damage data Programs to address flood planning for disaster prone regions; increases by \$1 million the funding for the Army Corps of Engineers Operations and Maintenance account intended to be directed towards the Corps Water Management System (CWMS) to assist river flow tracking during flooding; Craig (No. 111) that increases and decreases by \$7.5 million for the Beneficial Use of Dredged Material Pilot Program for the Army Corps of Engineers; McAdams (No. 112) that increases funds by \$5 million to the Central Utah Project Completion Act account for the purposes of completing water project development and decrease

funding by \$4 million from the Bureau of Reclamation administrative account and decreases funding by \$2 million from the Policy and Administration account; and Levin (MI) (No. 113) that increases and decreases funding for construction of certain river, harbor, flood and storm damage and related projects by \$30 million in order to prioritize \$30 million in funding for ongoing efforts to improve water quality in Lake St. Clair, Michigan, including by improving the Chapaton Retention Basin, a Macomb County Combined Sewer Overflow System (by a recorded vote of 382 ayes to 52 noes, Roll No. 361); and

**Pages H4791–92**

Huffman amendment (No. 90 printed in part A of H. Rept. 116–111) that was debated on June 18th that states that none of the funds in this act can be used for the Army Corps of Engineers to finalize the environmental impact statement for the proposed Pebble Mine project (by a recorded vote of 233 ayes to 201 noes, Roll No. 363). **Pages H4792–93**

Rejected:

Burgess amendment (No. 63 printed in part A of H. Rept. 116–111) that was debated on June 18th that sought to reduce spending in Division E by 5 percent (by a recorded vote of 146 ayes to 288 noes, Roll No. 358);

**Pages H4789–90**

Burgess amendment (No. 64 printed in part A of H. Rept. 116–111) that was debated on June 18th that sought to strike Section 108 in Division E that prohibits any funding being used for border security infrastructure along the southern border (by a recorded vote of 197 ayes to 237 noes, Roll No. 359);

**Page H4790**

Mullin amendment (No. 89 printed in part A of H. Rept. 116–111) that was debated on June 18th that sought to prohibit the use of funds to prepare, propose, or promulgate any regulation or guidance that references or relies on analysis of the cost of social carbon under certain Technical Support Documents published by the Interagency Working Group on Social Cost of Carbon (by a recorded vote of 186 ayes to 248 noes, Roll No. 362);

**Page H4792**

Graves (LA) amendment (No. 91 printed in part A of H. Rept. 116–111) that was debated on June 18th that sought to strike section 106 of division E, which states that none of the funds made available by this Act may be used to reorganize or to transfer the Civil Works functions or authority of the Corps of Engineers or the Secretary of the Army to another department or agency (by a recorded vote of 162 ayes to 269 noes with one answering “present”, Roll No. 364); and

**Pages H4793–94**

Banks amendment (No. 97 printed in part A of H. Rept. 116–111) that was debated on June 18th that sought to reduce spending for each amount in Division E, except those amounts made available to



the Department of Defense, by 14 percent (by a recorded vote of 132 ayes to 302 noes, Roll No. 365).

**Page H4794**

Agreed that in the engrossment of the bill, the Clerk be authorized to make technical corrections and conforming changes to reflect the actions of the House.

**Page H4797**

H. Res. 431, the rule providing for consideration of the bill (H.R. 2740) and the resolution (H. Res. 430) was agreed to Tuesday, June 11th.

H. Res. 436, the rule providing for further consideration of the bill (H.R. 2740) was agreed to Wednesday, June 12th.

H. Res. 445, the rule providing for consideration of the bill (H.R. 3055) and relating to consideration of the bill (H.R. 2740) was agreed to by a yea-and-nay vote of 231 yeas to 195 nays, Roll No. 357, after the previous question was ordered by a yea-and-nay vote of 232 yeas to 193 nays, Roll No. 356.

**Pages H4779–87, H4787–89**

**Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020:** The House began consideration of H.R. 3055, making appropriations for the Departments of Commerce and Justice, Science, and Related Agencies for the fiscal year ending September 30, 2020. Consideration is expected to resume tomorrow, June 20th. **Pages H4797–H4896**

Pursuant to the Rule, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 116–18, modified by the amendment printed in part A of H. Rept. 116–119, shall be considered as adopted in the House and in the Committee of the Whole.

**Pages H4804–77**

Agreed to:

Burgess amendment (No. 1 printed in part B of H. Rept. 116–119) that increases funding for the Keep Young Athletes Safe Act grant program by \$2.5 million and reduces funding for salaries and expenses at the Department of Commerce by \$2.5 million;

**Page H4877**

Scanlon amendment (No. 2 printed in part B of H. Rept. 116–119) that increases the funding for Title II and Title V of Juvenile Justice Programs by \$2 million and offsets with decreases to the general administration fund;

**Pages H4877–78**

Scalise amendment (No. 4 printed in part B of H. Rept. 116–119) that increases and decreases by \$1 million from the NASA Exploration account to highlight the importance of addressing the facilities and maintenance backlog on NASA facilities that have a direct manufacturing responsibility related to the SLS/Orion mission;

**Page H4879**

Serrano en bloc amendment No. 1 consisting of the following amendments printed in part B of H. Rept. 116–119: Norton (No. 5) that prohibits the Federal Bureau of Prisons from using funds to im-

pose subsistence fees on individuals in halfway houses or on home confinement; Waters (No. 8) that transfers \$1 million from the Department of Justice general administration account towards the grants to prevent trafficking of girls; Velázquez (No. 14) that decreases and increases funding by \$1 for Federal Prison System Salaries and Expenses to oppose the use of contracted private prison facilities for BOP detention purposes, including the use of such facilities for immigration enforcement; Pascrell (No. 21) that increases funding for the Bulletproof Vest Partnership (BVP) Grant Program by \$5,000,000, to bring funding for the program to its fully authorized level; offsets this increase by decreasing funding for the Department of Justice, General Administration, Salaries and Expenses account by \$5,000,000; Moore (No. 29) that increases funding for tribal governments to exercise jurisdiction over domestic violence by \$5 million; Cohen (No. 33) that prohibits the use of funds to enter into any new contract, grant, or cooperative agreement with any Trump related business listed in the President Trump's Annual Financial Disclosure Report submitted to the Office of Government Ethics as well as certain Trump related properties listed on the Trump Organization's website; McNerney (No. 37) that increases and decreases by \$5,000,000 the National Science Foundation's Research and Related Activities budget to support a research program to study optimal approaches and procedures for implementing partisan symmetry and compactness criteria for congressional district selection; Adams (No. 42) that increases funding for Byrne-JAG by \$1 million; increases prosecutorial decision-making line-item by \$1 million; Bera (No. 45) that increases VAWA funding by \$2 million to support grants enhancing culturally specific services for domestic violence survivors; Castro (TX) (No. 47) that increases the Department of Justice body-worn camera partnership initiative by \$2.5 million (from \$25 million to \$27.5 million), with a corresponding reduction to the Department of Justice Salaries and Expenses account; Plaskett (No. 59) that includes the Virgin Islands as a jurisdiction where federal interference with local law allowing the use, distribution, possession, or cultivation of medical marijuana is prohibited; Plaskett (No. 60) that provides for inclusion of the insular territories of the United States within the meaning of the term "persistent poverty counties"; Gottheimer (No. 62) that increases funding by \$1 million for the National Sex Offender Public Website, the only government website that links public state, territorial, and tribal sex offender registries into one national search site; Jayapal (No. 63) that transfers \$2 million in

funding from the Department of Justice general administration account to a national center for restorative justice; Jayapal (No. 64) that increases and decreases funding by \$4,000,000 in support of the creation and funding of programs utilizing the Permanent Supportive Housing model; Neguse (No. 77) that increases funding for Juvenile Justice Programs by \$1,000,000; Pappas (No. 80) that provides an additional \$2,000,000 for the comprehensive opioid abuse program and reduces \$2,000,000 from general administration funds for the Department of Justice; and Trone (No. 87) that increases funding by \$1,500,000 for mental health courts and adult and juvenile collaboration program grants that improve mental health services and provide diversion for justice-impacted individuals;

**Pages H4879–84**

Serrano en bloc amendment No. 2 consisting of the following amendments printed in part B of H. Rept. 116–119: Waters (No. 6) that adds \$2 million to the legal assistance for victims fund, which increases the availability of legal assistance for victims of domestic violence, stalking, or sexual assault; Rush (No. 10) that transfers \$2,000,000 from the Department of Justice general operating account to the Debbie Smith DNA Backlog Grant Program; McKinley (No. 18) that increases and decreases the Salaries and Expenses account within the Federal Prison System budget by \$2 million in order to direct that \$2 million within the account to be used for recruitment and retention incentive programs at short-staffed facilities; Jackson Lee (No. 19) that increases and decreases by \$2,000,000 funding for the Office of Justice Programs grant in order to support programs to engage adult men and young persons to reduce and prevent domestic violence against children; Hudson (No. 20) that increases funding for research to study the root causes of school violence by \$1 million; Langevin (No. 23) that increases funding for Regional Information Sharing Systems, part of the Community Oriented Policing (COPS) Program, by \$2.7 million; Yoho (No. 24) that decreases and increases funds by \$2,000,000 for the International Trade Administration to support trade promotion programs in Taiwan; Yoho (No. 25) that increases and decreases the NASA science and research fund by \$1,000,000 with the intention of funding embryology experiments to further understanding of development in space in regards to sending people to Mars; Lipinski (No. 26) that increases and decreases by \$1,200,000 funding within the National Science Foundation Research and Related Activities account to support a National Academy of Sciences study on Revitalizing the Historical University-Government-Industry Partnership; Babin (No. 27) that increases and decreases by \$5,000,000 to the State and Local Law Enforcement Assistance section for targeted vio-

lence prevention training and support programs; Babin (No. 28) that transfers \$3.6 million to the Department of Commerce Management account from NOAA's Operations, Research, and Facilities account to facilitate the transfer of the Office of Space Commerce and the Office of Commercial Remote Sensing Regulatory Affairs back to where they are authorized by statute, thereby advancing U.S. leadership in space commerce and commercial remote sensing; Graves (LA) (No. 32) that states that none of the funds made available in this act may be used in contravention of the national standards for fishery conservation and management as set out in section 301 of the Magnuson-Stevens Fishery Conservation and Management Act; Courtney (No. 35) that increases and decreases \$4 million from the National Institute of Standards and Technology's general operations fund to support research on the effects of the mineral pyrrhotite on concrete aggregate; NIST is the leading federal expert in cement and concrete standards; Estes (No. 38) that increases and decreases by \$1 million funding for the U.S. Trade Representative to establish that funds are not to be expended to enact future 301 tariffs in a manner that is not consistent with the currently established exclusion process for articles subject to such tariffs; Foster (No. 39) that increases and decreases the Nuclear Thermal Propulsion account by \$1 in order to direct that NASA work towards the development of a low enriched uranium (LEU) space power reactor; Foster (No. 40) that increases and decreases the Space Technology account by \$6.5 million in order to direct that \$6.5 million within the account be used for NASA Innovative Advanced Concepts (NIAC) Program; Spano (No. 41) that increases funding for the International Trade Administration by \$2 million with the intent to provide additional funding for enforcement and compliance; reduces funding by \$2 million for Department of Commerce Salaries and Expenses account; Adams (No. 43) that increases funding for the transitional housing program for domestic violence victims by \$1 million; Gonzalez (No. 46) that increases and decreases by one \$1 the Executive Office for Immigration Review Account in order to direct the Executive Office of Immigration Reform to prioritize the efficient hiring of judges, without reducing the quality of the hires; Murphy (No. 48) that increases National Oceanic and Atmospheric Research (NOAA); Operations, Research, and Facilities by \$2,000,000, with the additional funding intended for Coastal Science Assessment; Competitive External Research, for research on Harmful Algal Blooms. Reduces Department of Commerce; Departmental Management; Salaries and Expenses by \$2,000,000; Panetta (No. 50) that increases and decreases the State and Local Law Enforcement account

by \$15 million to support, deploy, and implement gun and gunshot detection and mitigation technologies; Panetta (No. 51) that increases and decreases NOAA Procurement, Acquisition, and Construction account by \$9 million to support collocation of NOAA facilities and public institutions of higher education for the purposes of collaborative research, education, workforce development, and diversity; Ruiz (No. 52) that provides an additional \$2 million for training, peer mentoring, and mental health programs for law enforcement officers; Takano (No. 55) that decreases and increases funding by \$1 million for the Office of Civil Rights to oppose any efforts to limit or eliminate protections under Title VI of the Civil Rights Act through rulemaking; Beyer (No. 56) that increases and decreases funds by \$1,000,000 from the National Science Foundation research and related activities account to direct the National Science Foundation to provide Congress with a report on its efforts to incorporate social impact assessments into the artificial intelligence research it funds; Beyer (No. 57) that increases and decreases by \$20 million funding for Aeronautics Research Mission Directorate 3 into ultra efficient flight, including electric flight; Blunt Rochester (No. 61) that increases and decreases by \$1,000,000 on for the Office on Violence Against Women Violence Against Women Prevention and Prosecution Programs to prioritize the importance of these funds for victims of domestic violence, dating violence, stalking, or sexual assault; Delgado (No. 67) that states that none of the funds appropriated in this Act may be used by the National Telecommunications and Information Administration to update a broadband availability map using only Form 477 data from the Federal Communications Commission; Fletcher (No. 69) that increases and decreases by \$1,500,000 funding for the NOAA operations, research and facilities fund in order to have the Administrator of NOAA to charge and contract with the National Academies of Sciences, Engineering and Medicine to undertake the inaugural decadal survey of the US weather enterprise, to be completed not later than December 15, 2020; McAdams (No. 74) that provides additional funding to Victims of Child Abuse Act programs to support Child Advocacy Centers that provide services to child survivors of abuse; Torres Small (NM) (No. 86) that increases and decreases the National Telecommunications and Information Administration (NTIA) by \$1 million in order to direct that \$1 million within the account be used for improving broadband mapping; Trone (No. 88) that increases and decreases funding for the National Institute of Standards and Technology (NIST) by \$120,000,000 to encourage modernization of NIST's aging infrastructure; and Collins (GA)

(No. 90) that provides \$20 million to restore funding for the Project Safe Neighborhoods program, the cornerstone of DOJ's anti-gun violence and anti-gang efforts;

**Pages H4884–86**

Posey amendment (No. 11 printed in part B of H. Rept. 116–119) that adds and removes \$1,969 from NASA's Exploration account to highlight the 50th anniversary of the Apollo 11 mission to the Moon and back, which launched from Kennedy Space Center in Cape Canaveral, Florida;

**Page H4888**

Scott (VA) amendment (No. 12 printed in part B of H. Rept. 116–119) that transfers \$13 million from federal prisoner detention to Youth PROMISE local delinquency prevention grants;

**Pages H4888–89**

Walberg amendment (No. 13 printed in part B of H. Rept. 116–119) that prohibits use of funds for "adoptive seizures," wherein law enforcement evades stricter state laws governing civil asset forfeiture by seizing property and referring it to federal authorities;

**Pages H4889–90**

Blumenauer amendment (No. 16 printed in part B of H. Rept. 116–119) that prohibits the Department of Justice from interfering with tribal cannabis programs;

**Page H4890**

Sewell (AL) amendment (No. 22 printed in part B of H. Rept. 116–119) that increases and decreases funding for the Bureau of Industry and Security (BIS) by \$1,000,000 to encourage transparency in the Section 232 investigation into imports of automobiles and automobile parts by releasing the report to the public;

**Pages H4891–92**

Bost amendment (No. 30 printed in part B of H. Rept. 116–119) that increases and decreases by \$3 million funding for International Trade Administration Enforcement and Compliance to promote Anti-Dumping and Countervailing Duty Trade Remedy Investigations and provide resources for the agency to self-initiate investigations against illegal trade practices;

**Page H4892**

Clarke (NY) amendment (No. 31 printed in part B of H. Rept. 116–119) that states that no Census Bureau funds may be used in violation of the Bureau's confidentiality policies;

**Pages H4892–93**

Huffman amendment (No. 44 printed in part B of H. Rept. 116–119) that states that none of the funds can be used by NOAA to implement any changes to the regulations that govern the federal consistency and appeals process under the Coastal Zone Management Act;

**Page H4894**

Jeffries amendment (No. 49 printed in part B of H. Rept. 116–119) that transfers \$914,000 from the Department of Commerce's Departmental Management, Salaries and Expenses account to the Office of the Inspector General's account;

**Pages H4894–95**

Cunningham amendment (No. 53 printed in part B of H. Rept. 116–119) that transfers \$2 million

from the Department of Justice general administration account towards Veterans Treatment Courts;

**Page H4895**

Cunningham amendment (No. 54 printed in part B of H. Rept. 116–119) that blocks funding for NOAA to approve oil and gas exploration, including seismic airgun blasting, in the Atlantic; and

**Pages H4895–96**

Cunningham amendment (No. 58 printed in part B of H. Rept. 116–119) that increases National Oceanic and Atmospheric Administration Operations, Research, and Facilities funding by \$1,500,000, with the additional funding intended for North Atlantic Right Whale research and monitoring; reduces funding for Department of Justice General Administration by \$1,500,000. **Page H4896**

Proceedings Postponed:

Rutherford amendment (No. 3 printed in part B of H. Rept. 116–119) that seeks to increase the NOAA Operations, Research, and Facilities account by \$3.5 million for third party data collection of reef fish in the South Atlantic; offset by decreasing the National Telecommunications and Information Administration (NTIA), Salaries and Expenses account to FY19 levels;

**Pages H4878–79**

King (IA) amendment (No. 9 printed in part B of H. Rept. 116–119) that seeks to strike lines 14–18 (Section 534, pg. 107), which states that none of the funds made available in this Act or any other Act may be used by the Department of Commerce to incorporate into the 2020 Decennial Census any question that was not included in the 2018 End-to-End Census Test in Providence County, Rhode Island;

**Pages H4886–88**

Blumenauer amendment (No. 17 printed in part B of H. Rept. 116–119) that seeks to prohibit the Department of Justice from interfering with state cannabis programs; and

**Pages H4890–91**

Banks amendment (No. 36 printed in part B of H. Rept. 116–119) that seeks to reduce amounts made available in Division A, other than amounts made available to the Department of Defense, by 14 percent.

**Pages H4893–94**

H. Res. 445, the rule providing for consideration of the bill (H.R. 3055) and relating to consideration of the bill (H.R. 2740) was agreed to by a yea-and-nay vote of 231 yeas to 195 nays, Roll No. 357, after the previous question was ordered by a yea-and-nay vote of 232 yeas to 193 nays, Roll No. 356.

**Pages H4779–87, H4787–89**

**Meeting Hour:** Agreed by unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow, June 20th for Morning Hour debate.

**Page H4896**

**Senate Message:** Message received from the Senate today appears on page H4778.

**Quorum Calls—Votes:** Three yea-and-nay votes and nine recorded votes developed during the proceedings of today and appear on pages H4787–88, H4788–89, H4789–90, H4790, H4790–91, H4791–92, H4792, H4792–93, H4793–94, H4794, H4796, and H4796–97. There were no quorum calls.

**Adjournment:** The House met at 10 a.m. and adjourned at 6:50 p.m.

## Committee Meetings

### POVERTY IN AMERICA: ECONOMIC REALITIES OF STRUGGLING FAMILIES

*Committee on the Budget:* Full Committee held a hearing entitled “Poverty in America: Economic Realities of Struggling Families”. Testimony was heard from public witnesses.

### INNOVATION TO IMPROVE EQUITY: EXPLORING HIGH-QUALITY PATHWAYS TO A COLLEGE DEGREE

*Committee on Education and Labor:* Full Committee held a hearing entitled “Innovation to Improve Equity: Exploring High-Quality Pathways to a College Degree”. Testimony was heard from public witnesses.

### PROTECTING TITLE X AND SAFEGUARDING QUALITY FAMILY PLANNING CARE

*Committee on Energy and Commerce:* Subcommittee on Oversight and Investigations held a hearing entitled “Protecting Title X and Safeguarding Quality Family Planning Care”. Testimony was heard from Diane Foley, M.D., Deputy Assistant Secretary, Office of Population Affairs, Office of the Assistant Secretary for Health, Department of Health and Human Services; and public witnesses.

### LEGISLATIVE SOLUTIONS TO MAKE OUR NATION'S PIPELINES SAFER

*Committee on Energy and Commerce:* Subcommittee on Energy held a hearing entitled “Legislative Solutions to Make Our Nation's Pipelines Safer”. Testimony was heard from public witnesses.

### PROMOTING ECONOMIC GROWTH: THE IMPACT OF RECENT TRADE POLICIES ON THE U.S. ECONOMY

*Committee on Financial Services:* Subcommittee on National Security, International Development, and Monetary Policy held a hearing entitled “Promoting Economic Growth: The Impact of Recent Trade

Policies on the U.S. Economy”. Testimony was heard from public witnesses.

#### **PUTTING INVESTORS FIRST: EXAMINING PROPOSALS TO STRENGTHEN ENFORCEMENT AGAINST SECURITIES LAW VIOLATORS**

*Committee on Financial Services:* Subcommittee on Investor Protection, Entrepreneurship, and Capital Markets held a hearing entitled “Putting Investors First: Examining Proposals to Strengthen Enforcement Against Securities Law Violators”. Testimony was heard from public witnesses.

#### **OVERSIGHT OF THE TRUMP ADMINISTRATION’S IRAN POLICY**

*Committee on Foreign Affairs:* Subcommittee on the Middle East, North Africa, and International Terrorism held a hearing entitled “Oversight of the Trump Administration’s Iran Policy”. Testimony was heard from Brian H. Hook, U.S. Special Representative for Iran, Senior Policy Advisor to the Secretary of State, Department of State.

#### **MISCELLANEOUS MEASURE**

*Committee on Homeland Security:* Full Committee held a markup on H.R. 3256, the “Protecting and Securing Chemical Facilities from Terrorist Attacks Act of 2019”. H.R. 3256 was ordered reported, as amended.

#### **H.R. 40 AND THE PATH TO RESTORATIVE JUSTICE**

*Committee on the Judiciary:* Subcommittee on the Constitution, Civil Rights, and Civil Liberties held a hearing entitled “H.R. 40 and the Path to Restorative Justice”. Testimony was heard from Senator Cory Booker; and public witnesses.

#### **MISCELLANEOUS MEASURES**

*Committee on Natural Resources:* Full Committee held a markup on H.R. 205, the “Protecting and Securing Florida’s Coastline Act of 2019”; H.R. 759, the “Ysleta del Sur Pueblo and Alabama-Coushatta Tribes of Texas Equal and Fair Opportunity Settlement Act”; H.R. 1088, the “First Infantry Recognition of Sacrifice in Theater Act”; H.R. 1225, the “Restore Our Parks and Public Lands Act”; H.R. 1305, the “Albatross and Petrel Conservation Act”; H.R. 1365, to make technical corrections to the Guam World War II Loyalty Recognition Act; H.R. 1941, the “Coastal and Marine Economies Protection Act”; H.R. 2427, the “Chesapeake Bay Gateways and Watertrails Network Reauthorization Act of 2019”; and H.R. 3195, the “Land and Water Conservation Fund Permanent Funding Act”. H.R. 205, H.R. 759, H.R. 1305, H.R. 1365, and H.R. 1941

were ordered reported, without amendment. H.R. 1088, H.R. 2427, and H.R. 3195 were ordered reported, as amended.

#### **MEDICAL EXPERTS: INADEQUATE FEDERAL APPROACH TO OPIOID TREATMENT AND THE NEED TO EXPAND CARE**

*Committee on Oversight and Reform:* Full Committee held a hearing entitled “Medical Experts: Inadequate Federal Approach to Opioid Treatment and the Need to Expand Care”. Testimony was heard from Angela Gray, Nurse Director, Berkeley-Morgan County Board of Health, West Virginia; and public witnesses.

#### **FOSSIL ENERGY RESEARCH: ENABLING OUR CLEAN ENERGY FUTURE**

*Committee on Science, Space, and Technology:* Subcommittee on Energy held a hearing entitled “Fossil Energy Research: Enabling our Clean Energy Future”. Testimony was heard from public witnesses.

#### **UNLOCKED POTENTIAL? SMALL BUSINESSES IN THE CANNABIS INDUSTRY**

*Committee on Small Business:* Full Committee held a hearing entitled “Unlocked Potential? Small Businesses in the Cannabis Industry”. Testimony was heard from public witnesses.

#### **STATUS OF THE BOEING 737 MAX: STAKEHOLDER PERSPECTIVES**

*Committee on Transportation and Infrastructure:* Subcommittee on Aviation held a hearing entitled “Status of the Boeing 737 MAX: Stakeholder Perspectives”. Testimony was heard from public witnesses.

#### **SHORT SEA SHIPPING: REBUILDING AMERICA’S MARITIME INDUSTRY**

*Committee on Transportation and Infrastructure:* Subcommittee on Coast Guard and Maritime Transportation held a hearing entitled “Short Sea Shipping: Rebuilding America’s Maritime Industry”. Testimony was heard from Rear Admiral Mark H. Buzby, U.S. Navy (Ret.), Administrator, U.S. Maritime Administration; Jon Nass, Chief Executive Officer, Maine Port Authority; and public witnesses.

#### **EXAMINING MID-SEMESTER SCHOOL CLOSURES IMPACT ON STUDENT VETERANS MISSION READINESS: VA’S EMERGENCY RESPONSE AND CACHE PROGRAM**

*Committee on Veterans’ Affairs:* Subcommittee on Economic Opportunity held a hearing entitled “Examining Mid-Semester School Closures Impact on Student Veterans Mission Readiness: VA’s Emergency

Response and Cache Program”. Testimony was heard from Charmain Bogue, Executive Director for Education Service, Department of Veterans Affairs; Robin Minor, Deputy Chief Operating Officer for Partner Participation and Oversight, Federal Student Aid, Department of Education; Melissa Emrey-Arras, Director Education, Workforce and Income Security, Government Accountability Office; and a public witness.

#### MISSION READINESS: VA’S EMERGENCY RESPONSE AND CACHE PROGRAM

*Committee on Veterans’ Affairs:* Subcommittee on Health held a hearing entitled “Mission Readiness: VA’s Emergency Response and Cache Program”. Testimony was heard from Larry Reinkemeyer, Assistant Inspector General for Audits and Evaluations, Office of Inspector General, Department of Veterans Affairs; and Lewis Ratchford, Deputy Assistant Secretary for the Office of Emergency Management and Resilience, Office of Operations, Security, and Preparedness, Department of Veterans Affairs.

#### THE 2019 TRADE POLICY AGENDA: NEGOTIATIONS WITH CHINA, JAPAN, THE EU, AND UK; NEW NAFTA/USMCA; U.S. PARTICIPATION IN THE WTO; AND OTHER MATTERS

*Committee on Ways and Means:* Full Committee held a hearing entitled “The 2019 Trade Policy Agenda: Negotiations with China, Japan, the EU, and UK; new NAFTA/USMCA; U.S. Participation in the WTO; and other matters”. Testimony was heard from Robert E. Lighthizer, U.S. Trade Representative.

### Joint Meetings

#### INTERNATIONAL ELECTORAL OBSERVATION

*Commission on Security and Cooperation in Europe:* Commission received a briefing on international election observation in the United States and beyond, after receiving testimony from Gerardo de Icaza, Organization of American States, and Laura Jewett, National Democratic Institute, both of Washington, D.C.; and Richard Lappin, Warsaw, Poland, and Tana de Zulueta, Rome, Italy, both of the Organization for Security and Co-operation in Europe Office of Democratic Institutions and Human Rights.

### COMMITTEE MEETINGS FOR THURSDAY, JUNE 20, 2019

(Committee meetings are open unless otherwise indicated)

#### Senate

*Committee on Banking, Housing, and Urban Affairs:* to hold hearings to examine outside perspectives on the collection of beneficial ownership information, 10 a.m., SD-538.

*Committee on Commerce, Science, and Transportation:* Subcommittee on Manufacturing, Trade, and Consumer Protection, to hold an oversight hearing to examine the Consumer Product Safety Commission, 10:30 a.m., SD-562.

*Committee on Energy and Natural Resources:* business meeting to consider the nomination of Robert Wallace, of Wyoming, to be Assistant Secretary for Fish and Wildlife, Department of the Interior, 9:45 a.m., SD-366.

Full Committee, to hold hearings to examine opportunities and challenges for advanced geothermal energy development in the United States, 10 a.m., SD-366.

*Committee on Foreign Relations:* to hold hearings to examine the nominations of Andrew P. Bremberg, of Virginia, to be Representative of the United States of America to the Office of the United Nations and Other International Organizations in Geneva, with the rank of Ambassador, Philip S. Goldberg, of the District of Columbia, to be Ambassador to the Republic of Colombia, Doug Manchester, of California, to be Ambassador to the Commonwealth of The Bahamas, Adrian Zuckerman, of New Jersey, to be Ambassador to Romania, Richard B. Norland, of Iowa, to be Ambassador to Libya, Jonathan R. Cohen, of California, to be Ambassador to the Arab Republic of Egypt, and John Rakolta, Jr., of Michigan, to be Ambassador to the United Arab Emirates, all of the Department of State, and other pending nominations, 9:45 a.m., SD-419.

*Committee on the Judiciary:* business meeting to consider S. 1227, to require the Federal Trade Commission to study the role of intermediaries in the pharmaceutical supply chain and provide Congress with appropriate policy recommendations, S. 440, to amend title 35, United States Code, to provide that a patent owner may not assert sovereign immunity as a defense in certain actions before the United States Patent and Trademark Office, S. 1224, to enable the Federal Trade Commission to deter filing of sham citizen petitions to cover an attempt to interfere with approval of a competing generic drug or biosimilar, to foster competition, and facilitate the efficient review of petitions filed in good faith to raise legitimate public health concerns, S. 1416, to amend the Federal Trade Commission Act to prohibit anticompetitive behaviors by drug product manufacturers, and the nominations of Daniel Aaron Bress, of California, to be United States Circuit Judge for the Ninth Circuit, Peter Joseph Phipps, of Pennsylvania, to be United States Circuit Judge for the Third Circuit, Mary S. McElroy, to be United States District Judge for the District of Rhode Island, Gary Richard Brown, Diane Gujarati, Eric Ross Komitee, and Rachel P. Kovner, each to be a United States District Judge for the Eastern District of New

York, Stephanie Dawkins Davis, to be United States District Judge for the Eastern District of Michigan, Stephanie A. Gallagher, to be United States District Judge for the District of Maryland, Charles R. Eskridge III, to be United States District Judge for the Southern District of Texas, Lewis J. Liman, and Mary Kay Vyskocil, both to be a United States District Judge for the Southern District of New York, Martha Maria Pacold, Mary M. Rowland, and Steven C. Seeger, each to be a United States District Judge for the Northern District of Illinois, Jason K. Pulliam, to be United States District Judge for the Western District of Texas, John L. Sinatra, Jr., to be United States District Judge for the Western District of New York, William Shaw Stickman IV, to be United States District Judge for the Western District of Pennsylvania, Frank William Volk, to be United States District Judge for the Southern District of West Virginia, Jennifer Philpott Wilson, to be United States District Judge for the Middle District of Pennsylvania, David Austin Tapp, of Kentucky, to be a Judge of the United States Court of Federal Claims, and Edward W. Felten, of New Jersey, to be a Member of the Privacy and Civil Liberties Oversight Board, 10 a.m., SD-226.

*Select Committee on Intelligence*: to hold closed hearings to examine certain intelligence matters, 2 p.m., SH-219.

### House

*Committee on Agriculture*, Subcommittee on General Farm Commodities and Risk Management, hearing entitled “How Farm Policy Helps Farmers in Adverse Conditions”, 10 a.m., 1300 Longworth.

Subcommittee on Nutrition, Oversight, and Department Operations, hearing entitled “The Potential Implications of Eliminating Broad-Based Categorical Eligibility for SNAP Households”, 2 p.m., 1300 Longworth.

*Committee on Education and Labor*, Subcommittee on Workforce Protections, hearing entitled “Breathless and Betrayed: What is MSHA Doing to Protect Miners from the Resurgence of Black Lung Disease?”, 10:15 a.m., 2175 Rayburn.

*Committee on Energy and Commerce*, Subcommittee on Consumer Protection and Commerce; and Subcommittee on Environment and Climate Change, joint hearing entitled “Driving in Reverse: The Administration’s Rollback of Fuel Economy and Clean Car Standards”, 10 a.m., 2123 Rayburn.

Subcommittee on Health, hearing entitled “Strengthening Health Care in the U.S. Territories for Today and Into the Future”, 10:30 a.m., 2322 Rayburn.

*Committee on Financial Services*, Full Committee, hearing entitled “Diversity in the Boardroom; Examining Proposals to Increase the Diversity of America’s Boards”, 10 a.m., 2128 Rayburn.

Subcommittee on Housing, Community Development, and Insurance, hearing entitled “What’s Your Home Worth? A Review of the Appraisal Industry”, 2 p.m., 2128 Rayburn.

*Committee on Foreign Affairs*, Full Committee, markup on H.R. 3190, the “BURMA Act of 2019”; H.R. 2327, the “Burma Political Prisoners Assistance Act”; H.R. 1632, the “Southeast Asia Strategy Act”; H.R. 3194, the

“NATO Defense Financing Act”; H.R. 3206, to impose sanctions with respect to the provision of certain vessels for the construction of Russian energy export pipelines; H.R. 3252, the “Global Respect Act”; H. Res. 259, expressing the sense of the House of Representatives to support the repatriation of religious and ethnic minorities in Iraq to their ancestral homelands; H. Res. 432, condemning the attacks on peaceful protesters and supporting an immediate peaceful transition to a civilian-led democratic government in Sudan; H. Res. 441, condemning the attack on the AMIA Jewish Community Center in Buenos Aires, Argentina, in July 1994 and expressing the concern of the United States regarding the continuing, 25-year-long delay in the resolution of this case and encouraging accountability for the attack; H.R. 2529, the “Richard G. Lugar and Ellen O. Tauscher Act to Maintain Limits on Russian Nuclear Forces”; H. Res. 444, reaffirming the importance of the United States to promote the safety, health, and well-being of refugees and displaced persons; and H.R. 2229, the “First Responders Passport Act of 2019”, 10 a.m., 2172 Rayburn.

Subcommittee on Oversight and Investigations, hearing entitled “The State Department and USAID FY 2020 Operations Budget”, 3 p.m., 2172 Rayburn.

*Committee on Homeland Security*, Subcommittee on Border Security, Facilitation, and Operations, hearing entitled “Examining the Department of Defense’s Deployment to the U.S.-Mexico Border”, 10 a.m., 310 Cannon.

*Committee on House Administration*, Full Committee, hearing entitled “Oversight of the Congressional Research Service”, 10 a.m., 1310 Longworth.

*Committee on the Judiciary*, Full Committee, hearing entitled “Lessons from the Mueller Report, Part II: Bipartisan Perspectives”, 10 a.m., 2141 Rayburn.

*Committee on Natural Resources*, Subcommittee on Energy and Mineral Resources, hearing entitled “Oil and Gas Development: Restoring Community Input and Public Participation in Leasing Decisions”, 10 a.m., 1324 Longworth.

*Committee on Oversight and Reform*, Subcommittee on Government Operations, hearing entitled “Ensuring Quality Health Care for Our Veterans”, 2 p.m., 2154 Rayburn.

*Committee on Science, Space, and Technology*, Full Committee, markup on H.R. 2528, the “STEM Opportunities Act of 2019”; H.R. 36, the “Combating Sexual Harassment in Science Act of 2019”; H.R. 3196, the “Vera Rubin Survey Telescope Designation Act”; and H.R. 3153, the “Expanding Findings for Federal Opioid Research and Treatment Act”, 10 a.m., 2318 Rayburn.

*Committee on Small Business*, Subcommittee on Economic Growth, Tax, and Capital Access, hearing entitled “The Importance of Accurate Census Data to Small Business Formation and Growth”, 10 a.m., 2360 Rayburn.

*Committee on Transportation and Infrastructure*, Subcommittee on Railroads, Pipelines, and Hazardous Materials, hearing entitled “The State of the Rail Workforce”, 10 a.m., 2167 Rayburn.

*Committee on Veterans’ Affairs*, Subcommittee on Disability Assistance and Memorial Affairs, hearing entitled



“Ensuring Access to Disability Benefits for Veterans Survivors of Military Sexual Trauma”, 10 a.m., HVC–210.

Full Committee, business meeting to assign Representative Gregorio Kilili Camacho Sablan of Northern Mariana Islands to the Health Subcommittee, 2 p.m., HVC–210.

Full Committee, hearing on H.R. 2943, to direct the Secretary of Veterans Affairs to make all fact sheets of the Department of Veterans Affairs in English and Spanish; H.R. 2942, to direct the Secretary of Veterans Affairs to carry out the Women’s Health Transition Training pilot program through at least fiscal year 2020, and for other purposes; H.R. 2676, the “VA Survey of Cannabis Use Act”; H.R. 2677, to require the Secretary of Veterans Affairs to provide training in the use of medical cannabis for all Department of Veterans Affairs primary care providers, and for other purposes; H.R. 712, the “VA Me-

dicinal Cannabis Research Act of 2019”; H.R. 1647, the “Veterans Equal Access Act”; H.R. 3083, the “AIR Acceleration Act”; H.R. 485, the “VREASA”; legislation on Specially Adaptive Housing; and legislation on Work Study, 2:05 p.m., HVC–210.

*Committee on Ways and Means*, Full Committee, markup on H.R. 3298, the “The Child Care Quality and Access Act of 2019”; H.R. 3299, the “The Promoting Respect for Individuals’ Dignity and Equality Act of 2019”; H.R. 3300, the “The Economic Mobility Act of 2019”; and H.R. 3301, the “The Taxpayer Certainty and Disaster Tax Relief Act of 2019”, 9:30 a.m., 1100 Longworth.

*Select Committee on the Modernization of Congress*, Full Committee, hearing entitled “Cultivating Diversity and Improving Retention Among Congressional Staff”, 2 p.m., 2253 Rayburn.

*Next Meeting of the SENATE*

9:30 a.m., Thursday, June 20

*Next Meeting of the HOUSE OF REPRESENTATIVES*

9 a.m., Thursday, June 20

## Senate Chamber

**Program for Thursday:** Senate will continue consideration of the pending resolutions of disapproval of proposed transfers of certain defense articles and services en bloc, with votes on S.J. Res. 36, S.J. Res. 38, and the remaining resolutions en bloc at 11:30 a.m.

At 1:45 p.m., Senate will vote on confirmation of the nomination of Rita Baranwal, of Pennsylvania, to be an Assistant Secretary of Energy (Nuclear Energy).

## House Chamber

**Program for Thursday:** Continue consideration of H.R. 3055—Commerce, Justice, Science, and Related Agencies Appropriations Act, 2020.

## Extensions of Remarks, as inserted in this issue

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# Congressional Record

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