



United States  
of America

# Congressional Record

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

Vol. 165

WASHINGTON, WEDNESDAY, JANUARY 23, 2019

No. 14

## Senate

(Legislative day of Tuesday, January 22, 2019)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the Honorable JOHN HOEVEN, a Senator from the State of North Dakota.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the center of our joy, on September 11, 2001, our Nation united because of an external threat. Remind our lawmakers that nations are not only destroyed from without but from within.

As each Senator has taken an oath to protect our Constitution from all enemies, foreign and domestic, provide him or her with the guidance to passionately defend this land we love from the most subtle incursions. Lord, as some Members of our Armed Forces seek sustenance at charity food pantries and prepare to miss a second pay-day, something has to give.

Forgive us, almighty God, for our sins of commission and omission. Remind each Senator of the words of Jesus of Nazareth in Luke 10:7: "Those who work deserve their pay."

We pray in Your sovereign Name. Amen.

### PLEDGE OF ALLEGIANCE

The Presiding Officer 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.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. GRASSLEY).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 23, 2019.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JOHN HOEVEN, a Senator from the State of North Dakota, to perform the duties of the Chair.

CHUCK GRASSLEY,  
President pro tempore.

Mr. HOEVEN thereupon assumed the Chair as Acting President pro tempore.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### STRENGTHENING AMERICA'S SECURITY IN THE MIDDLE EAST ACT OF 2019—MOTION TO PROCEED—Resumed

The ACTING PRESIDENT pro tempore. The clerk will report the pending business.

The legislative clerk read as follows:

Motion to proceed to S. 1, a bill to make improvements to certain defense and security assistance provisions and to authorize the appropriation of funds to Israel, to reauthorize the United States-Jordan Defense Cooperation Act of 2015, and to halt the wholesale slaughter of the Syrian people, and for other purposes.

### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

Mr. SCHUMER. Mr. President, yesterday, the Republican leader, my friend, announced that the Senate would hold two votes on Thursday afternoon. First, the Senate will vote on the President's proposal, and then the Senate will vote on an amendment that is essentially identical to the un-

derlying bill sent to us from the House, meaning a continuing resolution that opens the government for 3 weeks plus disaster assistance.

Let me be very clear. These two votes are not equivalent votes. It is not "on the one hand, on the other hand." The President's proposal demands a wall and radical legal immigration changes in exchange for opening up the government. The second vote demands nothing in exchange for opening up the government.

The first vote—unless you do it my way, I am keeping the government shut down—is the Trump amendment. Our amendment says: Open up the government, and then let's talk.

To say, well, one is a Democratic amendment and one is a Republican amendment doesn't get the magnitude of this. The difference is one is holding 800,000 workers hostage—millions of Americans hostage—unless the amendment authors get their way. The second vote doesn't demand anything. It just says to open up the government and then let's discuss it.

The first vote, on the President's plan, includes radical changes to our asylum system and the full funding the President asked for the border wall in exchange for reopening the government. The first vote is completely partisan. The first vote is the President's hostage-taking position codified into an amendment. It says: You must do it our way and pay \$5.7 billion for a wall before we open the government.

The second vote is the opposite. It does not demand anything before we reopen the government. It simply reopens the government for 3 weeks and allows us to continue debating border security. There is nothing partisan about the second vote. If President Trump weren't opposed to it, there would be nothing controversial about the second vote and just about every Republican would vote for it, as they did the first time, a month ago.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



Printed on recycled paper.

S483

The second vote is not a Democratic proposal with demands. The first vote is a Republican proposal with Republican demands. One simply reopens the government. The other says: No way. It embodies the President's temper tantrum: If you don't do it my way, I am shutting down the government and hurting lots of people.

The two votes are not equivalent. It is not "on the one hand, on the other." They are diametrically opposed in concept.

I do give Leader MCCONNELL credit. He put on the floor, for the first time, an ability for Senators to vote on a clean proposal to reopen the government. That is the second vote. It is completely silent on the issue of border security. A vote for the continuing resolution does not preclude a continued discussion on how we best secure our border. It isn't pro-wall or anti-wall. It just says: Open up the government. It is a way to reopen government while we continue to work out our differences.

I want my Republican friends to understand the stakes here. Reopening the government for 3 weeks may not sound like a long time, but it is massively important to 800,000 public servants who have been languishing without pay. Reopening the government even for 3 weeks would mean that all 800,000 get their backpay, to which they are entitled. That is three full paychecks: one for January 11, one for January 25, and one for February 8. Let me repeat that. Even a 3-week continuing resolution would provide three full paychecks to our Federal employees: TSA, Border Patrol, FBI agents, air traffic controllers, food safety inspectors, Coast Guard. Every one of the ones I mentioned involves our security. The President says—in my opinion, totally incorrectly, misstating all of the facts—that we need the big wall for our security. Even if he succeeds—which he will not, I believe—it would take years to build that wall. There is also eminent domain and so many other issues that it might never be built at all. But this is hurting TSA, hurting Border Patrol, and hurting FBI agents, air traffic controllers, food safety inspectors, and Coast Guard members, who all deal with our security right now—right now.

So if you believe in the security of America, you vote for the second amendment, no matter what you think of the wall.

The American people, more and more—it is amazing—were on our side to start with, and they are turning more on our side now. In a CBS poll this morning, 7 out of 10 Americans say the issue of a border wall is not worth this government shutdown, including 71 percent of Independents, but, astoundingly, 43 percent of all Republicans say a border wall is not worth a government shutdown. Close to half of all Republican voters are saying to President Trump and to Leader MCCONNELL and to every Republican Senator

in this Chamber: Don't keep this shutdown going over the wall. Don't hold the government hostage. Open it back up and figure out your policy differences.

Parenthetically, I would remind my colleagues that this poll—and another one this morning showed the same thing with President Trump's ratings lower than ever—occurred after his speech on Saturday. His gambit to try to get the shutdown off his back failed, as it should have, because the shutdown is solely his. He said he was proud of it. He said 25 times before he did it that he wanted to do it. Everyone knows the shutdown is his. Neither the President nor our Republican friends can squiggle out of that one. Because of the President's destructive hostage-taking gambit, as I said, his disapproval rating reached the highest level of his Presidency in the CBS poll.

What more do my Republican colleagues need to hear? The will of the American people is crystal clear: Open the government.

I know that President Trump has some power in these Republican primaries, but sometimes you have to rise to the occasion.

The second bill, without any preconceptions or preconditions says: Open the government. The first bill is hostage-taking: Unless you do it my way, the government is staying shut down.

So these are not equivalent bills. These are not "on the one hand, on the other hand."

For weeks we have been at a stalemate. Leader MCCONNELL has not allowed a vote on legislation to reopen the government until now. Tomorrow the Senate will finally have its chance. We can reopen the government until February 8 and continue to discuss border security. If you are worried about hundreds of thousands of Federal employees going without pay, if you are worried about the impacts of the shutdown on our economy or our basic security—as law enforcement, Border Patrol, and food safety are not paid—if you are worried about our national security, and if you are looking for a way to open up the government, this is the way. The second vote is the only way that is on the floor of the Senate and can actually open up the government.

I urge all of my Republican colleagues, as they did once before—before President Trump said what he said—to join Democrats on a bipartisan basis on the second vote tomorrow and, finally, open up the government.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Ohio.

Mr. PORTMAN. Mr. President, I am here today to talk about the ongoing government shutdown and the need to provide more security on our southern border and to try to put a little perspective around it.

The President just issued his own proposal. It is a reasonable proposal, I think, and a constructive proposal to

try to end this shutdown and reopen the government and strengthen the southern border. I am told we are going to vote on that plan tomorrow here in the Senate. It includes a lot of the ideas that I have been discussing with colleagues on both sides of the aisle, Democrats and Republicans, over the past few weeks. Some of these ideas are ones that Democrats support more, and some the Republicans support more. It is the basis for a compromise.

I am going to vote for the President's plan, and I am going to explain here in a minute why I would hope that colleagues on both sides of the aisle would support that plan tomorrow as a way to take a step forward and to take a step back from the partisanship and the division that is keeping our government shutdown.

My hope is that even if the proposal cannot pass with a 60-vote majority, which, unfortunately, seems likely right now, it will spark good-faith negotiations to enable us to quickly end the government shutdown and move forward.

Unfortunately, some of the partisanship and division I talked about has made that harder. It is interesting that even before the President made his announcement, but on the day he was making it, the Speaker of the House, NANCY PELOSI, said the proposal was a nonstarter before she knew what was in it. That is not serious. That is not the basis for a serious negotiation and certainly not responsible for us in the middle of a partial government shutdown.

I think there is in this body—and, I think, in the House, as well—a general consensus that we need to do more to protect the southern border. The Democratic leadership of the House and the Speaker of the House just presented a billion-dollar plan, for instance, for more border security.

I call it a crisis, but call it what you want. Here are the facts. During October and November of last year, the most recent months for which we have good information, Customs and Border Protection agents apprehended more than 100,000 people trying to enter our country illegally. That is nearly double the number of people who were apprehended a year ago in 2017. That is twice as many people.

The big increase, as you know, is with families and kids, unaccompanied children. According to the Department of Homeland Security, there has been a 50-percent increase in the number of families coming across the border illegally and a 25 percent increase in the number of children during fiscal year 2018. Along with that, there has been a 2,000-percent increase over the past 5 years in asylum claims. That increase has primarily come from three Central American countries: Guatemala, El Salvador and Honduras. While 9 out of 10 of these asylum claims are ultimately rejected by the immigration courts, the applicants have long since been released into the interior of the

United States. People don't stay in detention waiting for their hearing. They are released into our communities. I am told by Customs and Border Protection that they think about 90 percent of those families and children are never removed.

Is that a problem? I think everyone should agree that this is a problem. The system is breaking down.

In fiscal year 2018, Customs and Border Protection referred nearly 50,000 unaccompanied minors—all of whom came across our southern border to seek asylum—to the Department of Health and Human Services for care. I have done a lot of work on this issue in the Homeland Security subcommittee called the Permanent Subcommittee on Investigations.

It is a tough situation. It is a tough situation to have these kids in any kind of detention for any kind of time. It is a tough situation for these children, many of whom have experienced trauma and violence on their journey north and need significant help.

Human trafficking remains a significant problem along the border. Law enforcement officials on both sides continue to arrest people for facilitating labor and sex trafficking of adults and children, women and children. Local law enforcement along the border have repeatedly voiced their concerns.

In addition to the individuals trafficked into the United States involuntarily, criminal smuggling networks mislead prospective migrants by assuring them a safe route into the United States. This happens all the time. According to a survey by Doctors Without Borders, over two-thirds of migrants report facing violence on the journey north, including theft, extortion, torture, and sexual assault. Almost one-third of women report being sexually abused while being taken on that journey north to enter the United States. This is something none of us should find acceptable.

Furthermore, as we know, the Drug Enforcement Agency has said: "The southwest border remains the primary entry point for heroin into the United States." There is no disagreement about that. I am told that about 90 percent of the heroin that is flowing into our communities comes across the southern border and that fentanyl, which is this incredibly powerful synthetic opioid that is 50 times more powerful than heroin and comes primarily from China and primarily through the Postal Service, is actually increasingly going through Mexico too. Law enforcement tells me that it is being shipped from China to Mexico and is then being taken across the southern border. Seizures of fentanyl—which, by the way, is the No. 1 cause of death in my home State of Ohio and in, probably, your States—increased by 135 percent in its coming across the southern border last year as compared to 2017. Again, most of it is coming from China, and most of it is coming through the mail system, but increas-

ingly it is also coming across the border.

It gets worse. Over the past few weeks, I have been at three meetings with drug abuse task forces in Ohio and have talked about the crisis back home and how we should address it, and we are making some progress. That is the good news. Progress is also being made with regard to opioids. We are seeing fewer deaths by overdose, and we are seeing fewer addictions.

What we have done here in Congress is to put more money into prevention and treatment and longer term recovery, and our providing Narcan to our first responders and others is beginning to work.

Guess what I heard from all three of these task forces. It is that now, coming up—raising its ugly head—is pure crystal meth. Methamphetamines are taking the place of opioids in some of these communities. That is the new scourge. Guess where this crystal meth is coming from—Mexico. This is pure, powerful crystal meth. We have seen a 38-percent increase in methamphetamine trafficking across the border, again, just from 2017 to 2018.

I don't think there is any disagreement on either side of the aisle that we need a more secure southern border, not just because of people coming in illegally but because of the fact that there is trafficking, that there are drugs being transported across that border, and we all want to address it.

Senator SCHUMER, who just spoke, has talked a lot about the need for more screening at our ports of entry because most of these drugs come in by way of cars and trucks. He is right. By the way, that is in the President's proposal.

Because of all of those problems, the experts tell us we need to do some things. One thing they say they need are more physical barriers. This is from the experts. They also want more Border Patrol agents. They want more technology. They want more surveillance, more cameras. They want drones to be in some places that are out in the desert so they can see what is going on. They want more screening at the ports of entry. Again, the Democrats have supported it, and I have supported it. They are looking for anything they can do to try to stop the flow of drugs and to do it with technology, and that takes more money.

I believe the proposal the President outlined over the weekend hits all of those points. That is why I think it is responsible. He made clear that he is prepared to have these new barriers that he is proposing not be cement walls, which is what so many Democrats have opposed, but, rather, to be fences. In some places, they should be wire—pedestrian fences. In other places, they should be low vehicle barriers. In other places, they should be what the President has called steel barriers, the ones you see through. That is the kind of construction we are talking about here, not the cement wall that a

lot of people think he is proposing. Frankly, that is what they have taken from what he has said and from what the Democrats have said. It is almost like we are talking past each other.

Second, specifically, his proposal stipulates that these barriers would be constructed in a way that would be consistent with the "Border Security Improvement Plan." It is a plan that experts at the Customs and Border Protection Agency have proposed. These are the experts.

It is not 2,000 miles of the border that would have these fences and structures and barriers that we are talking about. In the President's proposal—and this is going to surprise you—it would be 234 miles of the border.

So, No. 1, they would not be the cement walls in the way that people are talking about. No. 2, it is going to be done in the way in which the experts recommend in terms of where they are going to be placed and what kinds of structures they will be. It will also be a total of 234 miles out of the 2,000-mile border.

The 234 miles are going to support the top 10 priorities of this plan that the Customs and Border Protection people have submitted, which is this "Border Security Improvement Plan." It is going to be specifically what the experts say the top 10 priorities are. What are their top 10 priorities? I am told, for instance, it is a new fence in parts of Texas where there is no fencing in the urban areas. That is in the plan. The White House is not making these decisions, but the experts are through this border security plan.

The legislation that the President has proposed has some specific language in it saying that these barriers must be built in an operational, effective design that prioritizes agents' safety. That language, folks, was taken right out of the bipartisan fiscal 2018 appropriations bill that this Senate passed last year. This is consistent with votes we have taken in the past as to what kind of wall it will be and where it will be. That means the definition is one we have long voted for. As we speak, approximately 115 miles of border barrier is being built using this same definition because it was proposed and voted on by this Chamber last year, just a year ago, on a bipartisan basis.

The \$5.7 billion proposal in funding for the construction of additional physical barriers along the southern border is consistent with what the experts say ought to be done.

Based on the Secure Fence Act back in 2006, which, again, was bipartisan, more than 500 miles of fencing have already been built in California, in Arizona, and in New Mexico by previous administrations, Republican and Democratic alike. Based on the data, on the actual facts, it is making a difference. The data from Customs and Border Protection show that in areas where this fencing has been built, apprehensions have decreased substantially. That probably doesn't surprise

you if you think about it. At a minimum, having these barriers slows people down and keeps vehicles from coming across that desert terrain, which gives the Border Patrol a chance to respond, along with there being the technology—the cameras, the sensors.

Again, another one of the misconceptions about this whole debate is that it is over the entire 2,000-mile border. It is not. It is over 234 miles. These barriers will be strategically deployed. They will be built where they are the most needed—in populated areas, where there are not already natural barriers to keep people from crossing. What his proposal does, as I look at it, is it fills a demonstrated infrastructure gap along the border but only where it is necessary.

As we talked about, our Border Patrol experts say Texas is their top priority. Why? It is because Texas is 1,200 miles of the 2,000-mile border and because there are only 100 miles of barrier in Texas currently. So there are over 500 miles of border that have barriers, and only 100 miles of that is in Texas, which has 1,200 miles of the border. It has most of the border.

The new fencing is particularly necessary in the most populated parts of the Rio Grande Valley. McAllen, TX, is one example of that. To me, that makes sense because that is where about 40 percent of the crossings occur and because they are asking for this fencing there. These are the experts.

In addition to there being more funding for more barriers, the President has requested more money with which to hire another 750 Border Patrol agents and 2,000 additional law enforcement professionals. Again, more people to be able to respond is something that on a bipartisan basis, I think we support here.

He is proposing \$800 million for humanitarian needs, to fund and enhance medical support and transportation facilities for those who are detained at the border. This is consistent with what the Democrats have supported in order to deal with the humanitarian challenge. The Homeland Security appropriations bill already includes funding for these purposes, but the President requested additional funds to help with the influx we have talked about. So it is like a supplemental spending request. We have had more families and more unaccompanied children in particular, so it makes sense to have more humanitarian funds available to deal with that.

The President has also requested \$563 million for 75 additional immigration judges and support staff so we can reduce the nearly 800,000 pending immigration cases that are backlogged. This backlog is part of our problem because people are typically in the communities, and many of them don't show up for their court cases. Reduce the backlog—that is the obvious answer here. By the way, this part of the President's proposal is identical to the proposal Speaker PELOSI made just a few days

ago. It is identical—75 new judges and support staff.

Finally, the President has requested a total of \$805 million for counter-narcotics and weapons technology screening at the ports of entry. There is \$675 million within that for reinvestment in drug and weapons detection and \$130 million for K-9 units, training, personnel, and portable scanners. Again, this is one some of us feel very strongly about, including Senator SCHUMER and including a lot of us on this side of the aisle. It is one that was also proposed by Speaker PELOSI a few days ago—more money for screening at the ports of entry. Her proposal is almost identical to the President's, except, frankly, the President proposes a little more money for the same purposes.

It is like we are talking past each other. We know there is a need. We generally agree. There is a general consensus on the need for what has to be done along the border; yet we can't seem to find common ground. To try to get there, in addition to these funding requests—and I applaud him for this—the President outlined his support for dealing with other immigration reforms that both parties support, such as DACA.

I remember DACA as being these young people who came here as children through no fault of their own and that the question was, Do you continue the program that President Obama set in place or not? My view is to resolve this political football once and for all and provide certainty to these young people who came here through no fault of their own. Some of them are working, some of them are in school, and some are in the military. They are looking for some certainty.

In the way the legislation is drafted, it is for these young people who have taken the responsible course and have gone to school or who are working or who are in our military. This is a process whereby we can provide that certainty, and the President has proposed it. He has proposed for all of those children who have applied for and been accepted into this DACA Program 3 years of additional authorization to be here, which will be past this administration.

The President has also embraced an effort to look at this issue of temporary protected status, or TPS, which allows us to provide protection to individuals who come from particularly trouble-stricken countries, and there are now 10 countries on that list. The Secretary of Homeland Security has the authority to provide harbor to those individuals where there has been a natural disaster, where there is a war, or where there has been a lot of violence in those countries.

Some of those TPS visas are expiring. I believe the President has laid out something that many Democrats have called for that makes sense, in my view, which is to provide some more certainty for some of those individuals. Again, it is a 3-year authorization, which will go beyond the next election.

The President has also talked about changing the asylum process. He has picked up some ideas from that side of the aisle and this side of the aisle, including having people apply for asylum in their own countries.

This is an attempt to find that common ground. Yes, let's be sure we have a protected southern border, but let's also deal with what have been some political and, unfortunately, intractable problems. For all of these reasons, I think we need to come together and negotiate a solution. I think the President's proposal is a reasonable one. That is why I plan to support it.

I know my Democratic colleagues have other ideas as well. What I said to them this morning and last night and will say again this afternoon when we meet—Republicans and Democrats alike—is, let's talk. We are not that far apart. Let's close this gap. That is what I find to be the most frustrating part of this. Yes, we have had shutdowns in the past, but I don't think we have ever had a shutdown that is so easy to resolve. We are not that far apart. If we would stop talking past each other, including as to what kind of structures we are going to put along the border, as I talked about, I think we could get there.

In my view, shutdowns don't make sense. We are now in day 33 of this government shutdown. I am not a big fan. I have legislation I have now introduced five times in Congress to say let's end government shutdowns. The legislation would simply continue the spending from the previous year and reduce it by 1 percent after 120 days and another 1 percent after the next 90 days in order to incentivize Congress to get its act together and actually pass the appropriations bills.

At day 33, 800,000 workers have missed one paycheck, and another paycheck is coming up tomorrow.

I have heard from a lot of folks in my State of Ohio—TSA employees, of course, at the airports, many of whom I spoke to when I came to Washington yesterday morning. It is a tough situation for them. Some of them don't have the savings. They live paycheck to paycheck. They are getting by through a combination of things—family members helping them, talking to the banks about their car payments or their mortgage payments. It is putting a lot of stress on them. I applaud them for showing up to work, by the way.

Workers at NASA—NASA Glenn in Cleveland, OH—can't go to work, so our space program is being slowed down. That is a problem.

Across the board, I am hearing from people who are in law enforcement, our prosecutors, saying they can't pay informants to be able to go after drug dealers. I am hearing from our Coast Guard personnel on Lake Erie. Again, these are patriots. They are showing up for work. I applaud them for that. I thank them. We owe them an end to this shutdown and a resolution to this issue.

I also don't like shutdowns because, frankly, as bad as they are for families, they are also bad for taxpayers. As taxpayers, we always end up paying more in the end. In the end, we are paying people not to work because people who are furloughed are going to get their paychecks when this is over. That doesn't seem very good for taxpayers. The people who are actually showing up for work—we are not paying them now, but we will pay them later. It is inefficient. Services are being cut off. Yet, in the end, taxpayers are going to be paying for it. So it doesn't help taxpayers.

I also don't like it because it hurts our economy. People say: Well, not much. We are doing fine.

We are doing fine. Thanks to the tax cuts and tax reform and regulatory relief, the economy is doing better, but this is running the other way. This is providing negative momentum.

The Council of Economic Advisers at the White House told us this week that the shutdown is going to reduce quarterly economic growth by 0.13 percent for every week it lasts. In other words, every week the shutdown continues, it hurts our economy more. If this shutdown lasts another 4 weeks, that will be a full point off GDP. So in just another 23 days, it will be a full point off our GDP. That is a big deal. That hurts paychecks, it hurts jobs, and it hurts the economic growth that all of us are so happy to finally have—to see the fact that unemployment is low, to see the fact that there are more jobs out there than there are workers looking, and to see the fact that wages are finally starting to increase. Let's not go the other way.

We have the opportunity before us to solve this. It is not that hard. Let's stop talking past each other. Let's find that common ground.

The President is going to have to continue to negotiate, and he says that he will. The Speaker of the House is going to have to move. It is not responsible for her to say not a penny more for barriers along the border, which she traditionally supported, as have other Democrats.

Let's act in good faith. Let's move forward to a responsible resolution that will reopen the government but will also ensure that we have a secure southern border. That is what the American people want. That is what we should be providing in the Senate and in the House, working with the President. Let's come together, and let's get it done.

I yield back my time.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Wyoming.

Mr. BARRASSO. Madam President, I have up here a quote from the Washington Post from January 20, 2019. The words say: "to refuse even to talk until the government reopens does no favors to sidelined Federal workers and contractors"—to refuse even to talk. This is a Washington Post editorial message to the Democrats.

The Post says that the Democrats should welcome the President's week-end offer and return to the negotiating table to end this partial government shutdown, which is now in its fifth week. I agree. It is time to end this stalemate. It is time to talk, and it is time to vote.

The title of the editorial was "Make a deal. Save the dreamers"—make a deal.

Divided government is often messy business. It is also serious business. It is what the American people have voted for and what we have seen more often than not in this country. Politically, there really are no winners and losers in this arena. What I worry about is the American people. Nobody wins in terms of a shutdown.

The Senate will vote tomorrow on commonsense, compromise legislation to secure the border, reopen the government, as well as to address what I believe are key immigration issues for the country.

We do have a national security and a humanitarian crisis at our southern border. President Trump has, again, requested \$5.7 billion. That is one one-thousandth of the Federal spending. He has requested the money for a steel barrier system.

The southern border is almost 2,000 miles. The physical barrier already protects about 650 miles. The President wants to build more security barriers because we know they are a proven solution.

In addition, the President is proposing to grant provisional status—a 3-year reprieve—for the 700,000 Deferred Action for Childhood Arrivals illegal immigrants, known as DACA. This 3-year reprieve will also help 300,000 temporary protected status immigrants. When people say TPS, that is what it stands for—immigrants with temporary protected status. Right now, they have protected status, but that is expiring. These are individuals who have suffered devastation in their lives due to the challenges previously faced in Haiti, as well as individuals from Central America. So we are talking about over 1 million people for whom the President is proposing changes that would impact them and their lives.

These DACA and TPS measures are an immigration policy bandaid. They are not the solution to everything. They deal with an immediate problem for a limited period of time. Once the government reopens, the President then plans, as he said, to hold weekly, bipartisan meetings aimed at broader immigration reform.

Border security policy has always been bipartisan. For decades, Presidents and congressional leaders from both parties have supported security barriers to protect the American people.

In 2006, Senate Democrats, including Senator Barack Obama at the time and Senator Hillary Clinton and Senator Joe Biden and Senator CHUCK SCHUMER—all of them—voted to construct a

physical barrier on the southern barrier.

In 2005, then-Senator Obama said this: "We simply cannot allow people to pour into the United States undetected, undocumented, and unchecked." Then, when Senator Obama became President Obama, he actually described the border situation as a crisis, but he failed to fix it.

President Trump resolved to fix the decades-old problem. That is when Democratic leaders suddenly changed their tune. They withdrew support for securing the border and dug in their heels, prolonging the partial government shutdown.

Even President Obama's last Border Patrol Chief, Mark Morgan, supports President Trump's efforts. President Trump did not keep him in the job, but Mark Morgan has said—and he was on television the other day—that building the wall is key to solving the security crisis and that Trump—President Trump—should "stay the course."

Still, Democrats refuse to negotiate with this President, so we can't reopen the affected Federal Agencies and pay the 800,000 furloughed Federal workers.

President Trump has the truth on his side. Here is the Homeland Security Department's assessment of the border situation: Each month, 60,000 illegal immigrants reach the border. Drug smuggling spiked in 2018, with a 38-percent increase in methamphetamine, a 22-percent increase in heroin, and a 73-percent increase in fentanyl. We also saw a surge in arrests of dangerous criminals, including 17,000 adults with criminal records and 6,000 MS-13 and other gang members.

In 2018, 60,000 unaccompanied children and 161,000 families reached the border—a dramatic increase from 2017. Many were victimized along their journey.

The Border Patrol areas that do have enhanced or expanded physical barriers have seen a dramatic decrease in illegal traffic. That is why the President has requested additional funds to construct more barriers. The areas he has pointed to are the 10 locations where the Border Patrol has said: These are the spots where we really need the help.

All Americans want a healthy immigration system that enforces the law and keeps families together. The President has put a reasonable, bipartisan compromise on the table to end this partial shutdown and to pay furloughed Federal workers. President Trump is ready to sign this legislation. The Senate will vote on it tomorrow.

The House Democrats hold the keys to reopening the government. I believe Democrats should stop playing politics and meet President Trump in the middle. That is what President has done with his good-faith effort.

I say: Let's vote to secure the border and vote to reopen the government.

TRIBUTE TO ALFRED REDMAN, SR.

Madam President, now I would like to turn to a different topic that would

be at an appropriate location in the RECORD. It is something that I think the Presiding Officer, as the former chairman of the Indian Affairs Committee, would find interesting. That is because I rise today to pay tribute to an incredible individual, a great man, the legendary Indian High School boys' basketball coach, Alfred Redman.

Saturday night, in Ethete, WY, the long-time coach was surrounded by school officials, by players, and by fans, who gathered for a ceremony renaming the school's gymnasium in his honor. Redman's incredible coaching record as he coached the Chiefs was 426 wins and 118 losses in 26 seasons.

Under his leadership, the Chiefs consistently made State tournament appearances, winning six State championship titles, and finishing second six additional times.

Coach Redman was tough. He conditioned his players through grueling practices. This was his formula for success: Work the players hard and make the games easier to win. His toughness paid off. He put Wyoming Indian basketball on the map, both at the State and the national levels.

Over the seasons, from 1983 to 1986, Redman's Chiefs set the State bar with a recordbreaking 50 straight victories. That record still stands today. It is no surprise that Redman is both a Wyoming and a national coaches Hall of Fame inductee.

Wyoming owes a great debt of gratitude to Coach Redman—a giant in State basketball history.

Thank you.

I yield the floor.

**THE PRESIDING OFFICER.** The Senator from Rhode Island.

#### GOVERNMENT FUNDING

**Mr. REED.** Madam President, I come to the floor again to urge an end to the Trump shutdown, which is over a month old—the longest in history.

Let's be clear. This is the Trump shutdown. The President called for a shutdown two dozen times, and he said he would be proud to own it.

Regrettably, it is clear that he does not care about the impact his shutdown is having on families across the United States. He barely acknowledges their pain.

If you needed any reminder of the low regard the President has for the Federal workforce, remember that on December 28, in the midst of the shutdown he instigated, he signed an Executive order that will freeze pay for the civilian workforce in 2019—assuming he ever reopens the government.

With his announcement on Saturday, the President is now playing games with the lives of hundreds of thousands of refugees and Dreamers, who, because of his earlier actions, could face the real threat of deportation.

Meanwhile, his administration is playing favorites, rewarding those with deep pockets and good connections, forcing IRS employees back to work without pay to process tax returns, reopening the Department of the Interior

to help pave the way for oil and gas leaks.

For those without resources, it is often a different story. Recipients of Federal housing assistance, for example, are wondering what their status might be in the next month.

FBI agents are worried about the effect the shutdown will have on active investigations. Air traffic controllers, FAA inspectors, and TSA workers are working long hours to keep flights on time and safe, but the cost to them and their Agencies will stretch years into the future.

Transit agencies, unable to draw down needed Federal capital and operating funding, are also feeling the pinch, which could affect service and safety down the line. We have seen this coming. That is why Democrats have been pleading with the majority leader for weeks to allow a vote on the funding bills that Senate Republicans wrote last year so we can reopen the government. These measures have broad bipartisan support. In fact, the leader voted for each of them, but for weeks, the majority leader refused to allow a vote on these and other bills, saying the Senate will not waste floor time on show votes, on bills he believes the President will not sign. By his definition, he can only bring up bills that can pass the House, earn 60 votes in the Senate, and get the President's signature.

As the leader knows, when there is a veto-proof majority—as there has been in the Senate on these very bills to fund the government—the President is, quite frankly, irrelevant.

Here is what the record shows: Last year, the Senate passed the Agriculture appropriations bill 92 to 6. We passed the Interior appropriations bill 92 to 6. We passed the Financial Services-General Government appropriations bill 92 to 6. We passed the Transportation-HUD appropriations bill 92 to 6. Although they didn't come to the floor, the Appropriations Committee passed the Commerce-Justice-Science bill and the State-Foreign Operations bill unanimously.

As for the Department of Homeland Security, we passed a continuing resolution in the Senate unanimously last year to keep the Department funded at least temporarily. There is no reason we can't pass that measure again and start paying our coastguardsmen and other DHS personnel. What cannot pass is President Trump's demand for billions and billions to build hundreds of miles of ineffective wall through places where it is unwarranted.

Don't take my word for it. Listen to Congressman WILL HURD, a Texas Republican, who represents a district he says includes 820 miles of the roughly 1,900-mile border with Mexico. Congressman HURD has called the wall "the most expensive and least effective way to secure the border." He is correct, and MIT engineers and other experts have estimated this wall will cost well north of \$30-plus billion.

Democrats want to focus on border security infrastructure but the improvements of greatest need, including ports of entry and more effective technology to detect illegal border crossings and drug smuggling. Once the government is open, there is room for debate on how best to improve border security and even on longstanding immigration matters.

It will not be easy. First, the President's call for a wall is as political as the day is long. He is focused on motivating the roughly 30 percent of Americans who think keeping the government shut down is a good thing.

Second, negotiating with this President has proved a difficult job, even for members of his own party because he has a hard time keeping his end of the bargain. In December, when Republicans controlled both the House and Senate, the Senate unanimously passed a bipartisan deal, sponsored by the majority leader, to keep the government funded until the beginning of February. The clear understanding was that the President, as communicated by Vice President PENCE, would sign the legislation, but, within hours, the President scuttled the agreement.

Going back to March 2018, the President nearly vetoed the Republican Omnibus appropriations bill that was based on funding levels he had already agreed to.

As far as funding for border security, the President changes his demands constantly. First, Mexico was going to pay for the President's border wall. Last February, he asked taxpayers for \$1.6 billion. Then it became \$5 billion. Now it is \$5.7 billion. How is it possible to make a deal with, frankly, such an unreliable party?

Here is one other point, and it goes beyond President Trump. If Congress capitulates to his demands because he has shut down the government, he will be emboldened to use the same tactic again and again and again. If he succeeds, then every President who follows will feel justified in using the same ploy. Rather than ending one shutdown, we will be inviting more in the future.

The only choice we have in Congress is to pass the bills we know have overwhelming bipartisan support and reopen the government with or without the President's signature.

Tomorrow the majority leader will be asking the Senate to surrender to the President's cynical demands for wall funding. That proposal is a dead letter purposely filled with poison pills: It will not get 60 votes in the Senate and will not pass the House. It fails the very test the majority leader has been saying must be met. It is, by his own definition, a show vote.

As an alternative, the Senate will have the opportunity to vote again on the majority leader's proposal from last December, which would reopen the government through February 8. Added to that measure will be much needed disaster assistance. It will be interesting to see if the Senate Republicans

will support or oppose this measure, which is essentially one they wrote. I hope they will take yes for an answer and vote with all of us to reopen the government and to begin serious, thoughtful, and principled discussions on ways we can improve borders and many other topics.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. MCCONNELL. Madam President, tomorrow the Senate will vote on the plan put forward by President Trump to reopen the closed portions of the Federal Government right away, increase security on our southern border, deliver disaster recovery funding, and address some outstanding immigration issues.

By way of reminder, this is a compromise measure that was carefully designed to include the kinds of ideas Democrats have been eager to support, including very recently. First and foremost, the legislation would end this partial shutdown and bring all parts of the Federal Government back online for the American people. Normal operations would resume. Federal workers would receive backpay and continue to be paid. This could happen quickly.

The bill also takes a compromise approach to the underlying disagreement that brought us to this point. It would fully fund the border security priorities identified by the men and women actually working on the ground: investments in surveillance and security technologies, in recruiting and training new Border Patrol agents, and, yes, additional funding for physical barriers like the walls and fences which Democratic Senators used to boast about voting for and which President Obama's administration bragged about building.

Of course, the reality of a divided government is that negotiations do not leave either side with their perfect plan. So the President went out of his way to include additional items that have been priority areas for Democrats. For example, the proposal would grant 3-year lawful status for certain currently enrolled DACA recipients and individuals under TPS. Finally, the White House proposal also includes all seven of our regular order appropriations bills, the product of bipartisan work in this body and in the House throughout last year.

So the President's compromise offer should command serious consideration in both Houses of Congress. On day 33 of this partial government shutdown, we have before us a bill to immediately reopen the Federal Government, deliver all remaining full-year appropriations measures, support disaster recovery efforts, fully fund comprehensive border security priorities, and address some outstanding immigration issues. It is hard to think of a good reason to oppose this, but my Democratic friends are trying to come up with something—anything—to justify prolonging the stalemate. I have a great deal of re-

spect for my friends across the aisle, but honestly this is getting downright silly—downright silly.

Yesterday the Democratic leader announced that he was denouncing President Trump's proposal because "there were no serious negotiations with any Democrat." It would appear my friend is offended that he wasn't consulted while this compromise was under construction. So let's stop and think about that for a minute.

For days—weeks now—the American people have seen the Democratic leader and the Speaker of the House make a public strategy out of refusing to negotiate. That has been their position; that we will not negotiate.

They have said it publicly. They have announced they are not interested in a negotiated solution to this impasse, not interested in meeting the President halfway on immigration policy or anything else, happy to keep the government closed unless and until everyone agrees to move forward in their preferred manner with no concessions and nothing for border security.

Now, that has been the Democrats' public stance. Our friends across the aisle have said repeatedly that they have no intention to negotiate out of the stalemate. The Speaker of the House joked that she would allow \$1—\$1—for physical barriers like wall fencing. That is why they have turned away from multiple opportunities to negotiate at the White House in recent weeks.

So my friend across the aisle is attempting quite the two-step here. First, the Democratic leader repeatedly said he wasn't interested in any talks at this point, but then when President Trump puts forward a proposal to move us forward, my colleague complains he wasn't consulted.

Well, the President and the American people are picking up on the strangeness of the Democratic leader's strategy of refusing to even negotiate. Here is one headline from a newspaper editorial that echoes this growing national sentiment. Here is what he said: "Trump made an offer—it's time for Democrats to start negotiating."

This is from the Washington Post—the Washington Post:

[T]o refuse even to talk until the government reopens does no favors to sidelined federal workers.

[A] measure of statesmanship for a member of Congress now is the ability to accept some disappointments, and shrug off the inevitable attacks from the purists.

There are signs that Democratic Members in both Chambers are starting to come to the same conclusion, starting to reject their leaders' refusal to even negotiate.

Here is what a few of our Democratic colleagues in the Senate have said in the last few days:

I personally don't think a border wall is in and of itself immoral.

Here is another:

Everybody is for border security. . . . There are places a wall makes sense.

Here are a few of our Democratic colleagues over in the House:

If we don't compromise, the American people are the ones who get hurt.

Another said:

If I had the opportunity to vote for some sort of deal, I would.

Another said:

There is common ground. . . . We do have to figure out how to secure our borders.

Even Speaker PELOSI's own House majority leader broke completely with her extreme position in a television interview just yesterday. When asked if he would personally be open to wall funding, Congressman HOYER replied:

Look, I think physical barriers are part of the solution.

That is the majority leader of the House of Representatives.

When the news anchor pressed him on Speaker PELOSI's statement that a wall is immoral, Majority Leader Hoyer replied:

It depends on what a wall is used for, whether it's moral or immoral. If it is protecting people, it is moral. That is not the issue.

He went on:

We want to make sure that people who come into the United States are authorized to do so. . . . We are for border security and I think we can get there.

So more and more Democrats seem to be coming to the same collusion as the rest of us. It is time to make a deal—time to make a deal.

Fortunately, a deal is on the table. It is a deal for everyone who would rather reopen the government, invest in border security, and secure more certainty for DACA recipients than sacrifice all that for the sake of this radical new position that physical barriers, like walls or fencing, are inherently immoral. So the President has produced a fair compromise that pairs full-year government funding with immigration policy priorities from both sides.

Enough political spite—enough. Enough showboating for "the Resistance." Enough refusing to join in talks and then complaining you weren't consulted. Our Federal workforce and the American people deserve a whole lot better than this.

I can't believe the bulk of our Democratic colleagues really see opposing the President as more important—more important—to their constituents than restoring full government function, paying our Federal employees, securing the border, and more certainty for the DACA population.

When we vote on the President's plan tomorrow, we will see what each Senator decides to prioritize.

COVINGTON CATHOLIC HIGH SCHOOL

Madam President, on one final and totally different matter, I need to say a few words about something that took place this past weekend.

Last week, Kentuckians of all ages traveled to our Nation's Capital to exercise our fundamental American rights to peacefully assemble and petition the government.



Unfortunately for the students of Covington Catholic High School, their participation has resulted in threats on their lives.

Far-left activists and members of the national and State media isolated a very few seconds of video footage from any shred of context, and many decided it was time to attack and denigrate these young people.

Because of what some highly partisan observers thought—thought—they saw in a few seconds of confusing video, these kids, their school, and their families were met with a deluge—a virtual deluge—of partisan vitriol and hatred from people who never met them and had no idea what had taken place. Some prominent figures even used this pile-on to propose curtailing the First Amendment for groups with whom they disagree, even targeting the students' hats.

How quickly some seem to forget why the Framers insisted on these protections in the first place.

In a matter of hours, these students were tried, convicted, and sentenced by the media, where accuracy is irrelevant and the presumption of innocence does not exist. To their credit, some apologized for their commentary upon learning more, but by that point too much damage had already been done.

Because of the startling death threats against these students and their families, Covington Catholic—which, by the way, is in Kentucky—was closed yesterday. The school's administration is working closely with law enforcement, but it is unclear when any sense of normalcy might return.

This time, it is families in my home State who are paying the price for exercising their freedoms. Sadly, this kind of fact-free rush to judgment is becoming an all-too-often occurrence.

If we can learn anything from this weekend, here is what I hope it is: When the rush for headlines takes precedence over the facts, mistakes are made, and our rights as Americans are put at risk. This trend is particularly troubling when young people are involved.

#### SIGNING AUTHORITY

Madam President, I ask unanimous consent that the Senior Senator from Alaska be authorized to sign duly enrolled bills or joint resolutions today.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### UNANIMOUS CONSENT REQUEST—H.R. 21

Mr. KAINE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 5, H.R. 21, making appropriations for the fiscal year ending September 30, 2019, and for other purposes. I further ask that the bill be considered read a third time and passed and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. The Senator from Virginia.

#### GOVERNMENT FUNDING

Mr. KAINE. Madam President, I rise to discuss the effects of the Federal Government shutdown. I have given a number of floor speeches about the effects of the shutdown on Federal employees and their families. I heard the Presiding Officer give a similar speech about the effects on the Coast Guard in Kodiak, AK, the other day. I have also talked about the effect of the shutdown on American citizens who depend upon the services of Agencies that have been shuttered or dramatically reduced in capacity.

Today I want to talk about something different. I want to talk about the effect of the shutdown on American businesses, especially small businesses.

Over the past month, I have had numerous conversations with business owners who tell me how this shutdown has hurt them, and, no surprise, economic analysts have indicated that the shutdown is having a massive effect on the U.S. economy.

S&P, for example, has concluded that the shutdown will cost the United States more than \$6 billion by week's end, a little bit over 1 month in.

President Trump's chief economic adviser, Kevin Hassett, said that a zero-percent growth rate is possible because of the shutdown.

His quote in an article dated January 23:

If [the shutdown] extended for a whole quarter and given the fact that the first quarter tends to be low because of residual seasonality, then you could end up with a number close to zero in the first quarter.

We are now more than 1 month into the shutdown, and this economic effect is very real.

I just returned this morning from a discussion with businesses in Loudoun County, VA, which is sort of in the western outer suburbs of Washington, and here is what these businesses told me:

A conference hotel in Loudoun whose bookings in the first quarter are down 50 percent from the same quarter last year, and because they had such a strong year last year, they said they were projecting for increases this year, so their bookings are down 70 percent from what they had projected for the first quarter of 2019.

When they lose revenue because of lost bookings, that affects their ability to hire people. It also affects their purchase of supplies from area suppliers. They say they have a HIVA practice—Hire Virginia—and what did they call the other one—a SUVA practice, Supplies from Virginia. They try to buy all of their supplies and hire all of their people from Virginia, and so the reduced bookings are having a direct effect on other businesses and individuals as well.

A local chamber of commerce, with 1,200 members who are suffering in a

variety of ways, but the chamber president pointed out to me that 300 members are nonprofits—nonprofits which are seeing reduced contributions because of the shutdown and people having less income but also increased demands for services.

Local restaurants whose revenues are down 20 to 30 percent—that reduction in revenue, which is fewer people coming in or people coming in and spending less, affects hiring and it affects their payments to local suppliers, thus having a second-order effect on other businesses.

Restaurants are reporting that they are seeing a big uptick in Federal employees applying for part-time work at their restaurants, which they have a hard time providing because their revenues are down and fewer customers are coming in.

Many government contracting firms in Northern Virginia—often started and operated by veterans—whose employees are furloughed or working fewer hours, thereby affecting the profitability of their businesses, most said they are trying to continue to pay their employees even though they are not working, even though they are not bringing in revenue, which is affecting profitability and eventually the viability of the very businesses themselves.

The contractors are talking about how they are starting to lose employees in a tight labor market to other businesses that are not dependent upon government contracts.

Loudoun is the third most popular tourism destination in Virginia out of 134 cities and counties. I did not know that until I was informed of it by a proud operator of the Loudoun Tourism Department today, but they are seeing dramatically reduced attendance at any tourism site, from restaurants to hotels and bars, to museums and all kinds of other historic sites in Loudoun.

Here is one that was interesting, and it dovetails with a discourse, a speech given by the Presiding Officer on the floor a few days ago—a local microbrewery. A local microbrewery said, first, sales are down due to people losing salaries, and sales being down affects their employment, but they are also unable to launch new product lines. New product lines require an approval by a Department of the Federal Government to approve that a new product line is offered. There are 7,000 microbreweries in the United States, and they all need approval from this Federal Agency, the TTB, when they want to offer a new product line.

The owner of Old Ox Brewery told me: We set it up months in advance. This was going to be the March release. Normally, it would take about 2 weeks from an application. This Agency is really pretty prompt. They get back with you quickly, and they tend to approve quickly, but he said: I have two problems with the Agency right now. They are shuttered so they can't approve the product lines I have developed and I wanted to brew for March. I



can't brew them now if I can't sell them. That means products I promised not only in-house at our brewery but to grocery stores and restaurants that I promised, I can't brew. He said: I know this Agency, when they finally come back with a reopening, with 7,000 breweries just like mine having filed with them, the backlog is going to mean they are not going to be able to respond in 2 weeks. It is going to take them significantly longer.

If I might read a letter—this is not from the Old Ox Brewery, where I was this morning, but another brewery in Alexandria, VA:

Dear Senator Kaine,

Here is a summary of the negative effects the government shutdown is having on our small business in Alexandria, VA.

The Alcohol & Tobacco Tax & Trade Bureau (TTB) has stopped reviewing recipes and labels. . . . It affects our entire operation, and damages our revenue stream, which relies on new beers in the market.

It also hurts our employees, some of whom are paid on commission from the sale of our beer.

Upstream in our supply chain, it negatively affects our farmers who provide our grain, as well as our hop growers and malt suppliers. It also hurts our other suppliers, such as our label printers and box manufacturers.

Downstream, it hurts our distributors and retailers because they don't have our new beers to sell [and ultimately affects customers].

We have a pending Small Business Administration loan for our new bottling equipment. The SBA has closed and we cannot close on this loan until the shutdown is over.

The brewery I was at this morning—the Old Ox Brewery—was a little bit ahead of Port City in the process. They got a loan to renovate a new facility in Middleburg, VA, which they have purchased and renovated, but they can't get it open until the TTB comes out and does the inspection of the brewery equipment.

He said: I invested, and I am paying, but I am not able to bring in any revenue, and I have no idea when I am going to be able to bring in revenue.

Traditionally opening a new facility requires a TTB approval first, and you then go to the State to get permission to open the facility.

He said: Am I looking at 90 days? Am I looking at 4 months of paying for this facility without being able to bring in any revenue for it?

This same challenge as was indicated in the letter from Port City affects not only breweries but wineries. Loudoun County has a lot of farm wineries.

One owner of a local winery came. This is a small operation. They started the winery so they could preserve the family farm and not have to sell it to developers.

A lot of our small family farms get turned into subdivisions unless the family who operates the farm can find a productive way to make a small acreage profitable.

In 2002, this family, who had been in farming for generations, decided: We don't want to sell for a subdivision.

The way we will try to be profitable is to operate a farm winery.

The same Agency, the TTB, is charged with approving their product and also labels. They have done their grape harvest, and they booked time at the local bottling plant in March to take all of the wine and put it in bottles with labels affixed, but they can't get the labels approved. They have all their product, and they have booked time at a facility that starts in a very few weeks, but there would be no reason to use the bottling facility to put wine in bottles with no labels on them. They couldn't sell it. The Agency that is required to approve labels is shuttered. They don't know what they are going to do.

A 10-person, small family business—maybe this spoke to me because I grew up in a house with a small business where, in a good year, there would be eight employees, and in a bad year, there would be five, plus three teenage boys and my mother. So this business was a lot like my own family's experience in size. They distribute janitorial supplies to customers, such as the Smithsonian. The Smithsonian operations are closed. They also distribute janitorial supplies to WMATA, their largest customer.

WMATA is open. WMATA's Federal revenues are still coming in, but WMATA also relies on the farebox revenue. WMATA is down \$400,000 a day because, with Federal employees furloughed, huge numbers of people who normally ride the Metro Monday to Friday aren't.

That \$400,000-a-day hit on WMATA has not yet affected this business—he was careful to point that out—but with the Smithsonian shut and WMATA affected, he is worried about when he will see his 10-person business affected.

There is deep concern by area businesses in this part of Loudoun, which is very close to Dulles, about the effect of the shutdown on TSA workers and air traffic controllers, as would be the case in Alaska, where air travel is critical. It would probably be air or snowmobile for many people living in Alaska. In Virginia, air travel is critical. Anything that affects commercial air poses huge jeopardy on people's access and on the local economy.

This one was interesting—a local consignment shop. I was like, well, how are you affected by the shutdown? It is a consignment shop that is fairly notable and has won awards for being one of the best small businesses in the county. They talk about how their business is dramatically affected by the shutdown. They see it every day. More Federal employees are bringing in personal items to try to submit to consignment because to make do, they need to sell personal items they might not otherwise want to. Also, there are fewer people coming in to buy the items that are available in the consignment shop because there is less discretionary income. This shop has reduced its own employees' hours by 20 percent.

A local small business development center—this is kind of a community center, like an incubator for small business. It is funded through SBA. It serves 300 startup businesses a year. They are unable to operate. They have some local funds. They can see clear to March, but they don't know whether they can stay open thereafter due to no Federal funding. These small business centers operate around the country. One of the things they do is help businesses like Port City get small business loans. They can't do that now because there are no business loans being made.

A Federal contractor who is currently unaffected because their contracts are with DOD Agencies had an expansion plan to go out and work with other Agencies that are shuttered by the shutdown; thus they cannot move forward on the expansion plan.

Finally, county government officials who were at the meeting have now had to provide emergency funding for local food banks and for free public transportation for affected Federal employees and other emergency services as well. That wasn't what they thought they would need to be doing with the budget they had planned for. The fiscal year began July 1. They hadn't put it into the budget, but they are having to cobble together ways to serve the Federal employees and their families who are affected.

There are so many other stories like this that I heard around Virginia. One that stuck with me in particular was a local dentist commenting that so many patients are canceling appointments because of their concerns about inability to pay copays or buy medications. Hopefully, these are postponements and not cancellations. Obviously, it is not good for people's health and not good for the small business this dentist operates.

We do have a solution to this that the Senate will take up tomorrow. I am heartened by the fact that we will have an opportunity tomorrow to vote on a solution. I think we should vote to open government until February 8. That is not a lot of time. From tomorrow, it will be 15 days. Then we should engage immediately in an effort to consider, debate, amend, and vote upon the proposal the President introduced through the majority leader yesterday.

I listened to the majority leader's comments before I spoke, and he said a deal was on the table. As I saw Republicans—for example, my colleague from Oklahoma—describe the deal on Sunday during one of the television shows—he said: It is the President's opening proposal. It is meant to inspire constructive dialogue.

In that sense, I agree. It is a proposal to inspire constructive dialogue. The four elements of the President's proposal—border security, the temporary protected status program, the DACA Program, asylum processes, and the bases for receiving asylum—are very

legitimate discussions on which I believe we can find a bipartisan compromise.

We will have a vote on that proposal tomorrow, but it will not be a proposal that is about compromise—it will be an up-or-down vote. Do you accept the President's proposal without the opportunity to hear its justification, without the opportunity to offer an amendment? Take it or leave it. Under those circumstances, it is very hard to say that is a constructive debate or dialogue; however, we have the opportunity to do that.

I believe that if we vote to open government through February 8—15 days—the Senate should, in this humble Senator's view, put that bill in committee next week. There should be an administration explanation of the pieces of the bill, with the members of the relevant committees being able to ask questions. For example, on the TPS proposal, you propose to restore TPS for 4 of the 10 affected countries but not the other 6. Why is that? Is there some reason for that, or can we explore it?

I think those questions need to be asked, and they need to be answered. There may be a reason there. There may be a better approach there.

Then the committee should be able to move—again, in my opinion; I am not on either of the relevant committees, Appropriations or Judiciary, but with Republican majorities and Republican chairs, I believe this could be done—move to a markup of the bill a few days or 2 days after the explanatory discussion. The bill could then be on the floor the following week, before February 8, where we could do the same thing and have the opportunity to try to make the bill as strong as it can be, as bipartisan as it can be because it would need to be to have a realistic chance of passing in the House.

I do agree with the majority leader—there is now a proposal on the table. It is a proposal that is worthy of discussion. I have some ideas about ways to make it better, and I bet virtually every Member—Republican and Democratic—in the Chamber would have ideas as well. But if we are going to take it seriously, let's take the time to take it seriously.

I urge my colleagues to vote yes on one of the votes we will take tomorrow, which would reopen government for 15 days while we engage earnestly with the President's proposal. I deeply believe that if we undertake that kind of focused effort without being pulled away because of the needs of constituents affected by the shutdown, we can be focused and find an answer.

The last thing I will say before I yield the floor is this. Some would say: Why don't you negotiate while the shutdown is in place?

If there was a hurricane in Virginia Beach, everybody in this Chamber would understand that I wasn't here; I was in Virginia Beach dealing with people who were hurting. This is a hurricane. When it affects the livelihood of

so many Virginians who are hurting deeply, I am out every day with people who are hurting. In the middle of a hurricane, no one would fault me for being in Virginia Beach or a Florida Senator from being in Florida trying to comfort people who are hurting. Nobody would say: Why aren't you back here having around-the-clock negotiations on something?

For this Senator, the top priority I have every day is trying to be out with people who are hurting and trying to provide them with answers and some assurance that we can move forward. If we can get government open for 15 days, we can be here around the clock, and we can find a solution to this. I am confident we can. I ask my colleagues to join me in that when we have that vote.

With that, Madam President, I yield the floor.

THE PRESIDING OFFICER. The Senator from Maine.

MS. COLLINS. Madam President, government shutdowns, regardless of which party controls Congress or the White House, are always harmful to Federal employees and their families, who struggle to pay their bills without paychecks, to Americans who need help from closed government Agencies, and to our economy, which is damaged by the decline in consumer spending and consumer confidence. Ironically, they also always end up costing taxpayers more money than if government had been funded on time. That is why I have always worked to end shutdowns.

In 2013, for example, I convened a bipartisan group, of which the Presiding Officer was the very first member, that produced the plan that led to the reopening of government after a 16-day shutdown.

During the past month, I have had numerous discussions with colleagues on both sides of the aisle, as well as with White House officials, on what we can do to reopen government. At the same time, I have been working to mitigate the impacts of this shutdown as much as possible for the hundreds of thousands of Federal employees and their families. These families are being unfairly and seriously harmed, and they have no idea when they will receive their next paycheck.

Right around Christmas, I worked closely with the White House to ensure that the Coast Guard received pay for their work prior to the shutdown, when an anomaly in the pay system put their paychecks at risk. In addition, Democratic Senator BEN CARDIN and I sponsored a bill to guarantee backpay to Federal workers affected by the shutdown. Our legislation was passed by both chambers and was signed into law by the President.

I have also joined Senator RON JOHNSON from Wisconsin in introducing the Shutdown Fairness Act, which would ensure that Federal workers who are deemed essential and required to come to work each day are paid on time despite the partial government shutdown.

It is simply not fair to force employees to work and not pay them, and I hope that this bill, too, will become law.

As the Presiding Officer is well aware, after 33 days—the longest shutdown in history—it is long overdue for all sides to come together to engage in constructive debate and compromise to end this standoff. Shutdowns represent the ultimate failure to govern and should never be used as a weapon to achieve an outcome.

Here is what does not reopen government. Political ads do not end shutdowns. Overheated and inflammatory statements do not end shutdowns. An unwillingness to budge and a lack of specific proposals do not end shutdowns. What will end this shutdown? Remembering the real harm that this shutdown is causing, putting specific proposals on the table so that the administration and Republicans and Democrats in both the Senate and the House can see signs of good faith and compromise, voting on specific proposals and trying to get to yes—that is what is necessary to end shutdowns.

Finally, over the weekend, the President submitted a plan to end the shutdown, which the Senate will consider tomorrow. His legislative package avoids the chicken-and-egg dilemma of whether we should reopen government first or whether border security measures should be considered first. It combines all of those issues in one package that would reopen government, strengthen the security of our borders, change some immigration rules for the better and some, in my judgment, for the worse, and provide disaster relief funding. The administration's package would reopen government for 800,000 Federal employees, including hundreds of thousands who work at the FBI, the TSA, Border Patrol, Coast Guard, and the DEA, who have been working without pay to protect us from terrorists, drug cartels, and other criminals. It provides disaster funding to address devastating hurricanes, wildfires, earthquakes, and volcanoes. The bill also makes border security investments and includes some immigration changes.

It is important to note that all of the remaining appropriations bills are incorporated into this package, and, thus, this bill would fully reopen government until September 30, the end of the fiscal year.

I would also note that these seven bills either passed this Chamber or the Appropriations Committee last year with widespread bipartisan support. The Transportation, Housing, and Urban Development bill that I offered with my good friend and colleague Senator JACK REED, the ranking member, is a great example. At its core, this is a bill that creates jobs, strengthens communities, improves our infrastructure, and helps low-income families, veterans, seniors, and those who are homeless with their housing needs. This bill passed the Senate in August by an overwhelming vote of 92 to 6 as

part of a four-bill package. It should be law.

This shutdown is harming low-income families and seniors across the country. Funds for housing repairs and disaster recovery have been stopped from being allocated to areas of critical need. Public housing agencies and multifamily property owners in Maine and across the country are scrambling to line up short-term loans and other financing to try to fill the gap caused by a lack of HUD funding.

Since the shutdown began, nearly 42,000 households, most of which are comprised of low-income seniors or disabled individuals, have not had their rental assistance renewed, and millions more are at risk the longer the shutdown continues.

Just this morning, the city of Portland contacted me to express alarm over the 1,700 housing vouchers serving 3,500 people who will be affected on March 1. Statewide, that number is in the vicinity of 10,500 vouchers, affecting many thousands more vulnerable individuals and families.

The problems, unfortunately, go well beyond HUD housing vouchers. Because most HUD staff have been furloughed, HUD has been unable to correct computer errors that are keeping local shelters and small nonprofit groups across the country that assist the homeless and victims of domestic violence from accessing their grants. Maine's eight domestic violence shelters are about 75 percent funded by the Federal Government. If this shutdown continues, how can they continue to serve the women and children who are escaping abuse and violence?

While there is never a good time of the year to be at risk of losing one's housing or to be unable to find a shelter if one finds oneself homeless or to be able to escape domestic violence and abuse, the middle of the winter is an especially cruel time to face a housing crisis.

The shutdown is also challenging for our Nation's air traffic controllers, who remain on the job, dedicated to the safety of every flight, despite missing paychecks. Our Nation's air traffic controllers and safety professionals work in a system that has no room for error. Regrettably, they are now enduring financial strain in jobs that are already very stressful.

So many other important functions of the Federal Government—operating our national parks and the tourism they support, ensuring the safety of the food that we eat, preventing hunger, avoiding drug shortages, processing tax refunds, addressing the opioid epidemic, providing access to loan guarantees for small businesses and homeowners—all would be addressed by reopening government.

Let me provide just a few examples from my State of Maine. I have heard from physicians in Portland about emergency shortages of critical drugs. We cannot reach the FDA, which is where we would normally turn for as-

sistance because of the furloughs. Instead, we are contacting the manufacturers to try to get help.

A small Maine-owned architecture and engineering business in Western Maine has contracts with 10 Federal Agencies. It will very soon not have enough work for its employees because it is not being paid by these Agencies. A smoked salmon facility in Hancock, ME, cannot operate because it lacks a vital certificate from the FDA. Seniors at the Maine Maritime Academy are unable to take their licensing exams, which will delay their job searches significantly, and current merchant mariners who need to renew their licenses cannot do so.

The Coast Guard, which is so important to my State and to the State of the Presiding Officer, is not being paid, and yet its members are required to work to perform absolutely vital tasks, and they cannot be absent to take on another job to pay the bills.

Of course, like many of my colleagues, I have talked with so many TSA employees in Bangor and in Portland who are having difficulties paying their bills, having to take out loans or rely on family or friends, and yet they are so devoted to their important mission that they show up for work day after day, despite not being paid.

In addition to reopening government, the legislation also includes investments and policies to lessen the problems at our southern border. Ninety percent of the heroin that is flooding into this country is coming from Mexico, some through legal ports of entry that lack the technology to detect these drugs and some smuggled across the border outside of ports of entry.

Physical barriers have proven to be an effective deterrent in many areas where they have been built, such as San Diego and El Paso. That is why Congress and two previous administrations, on a bipartisan basis, authorized and built more than 600 miles of walls, fences, and other barriers by January 2017, an often overlooked fact.

In fact, to listen to this debate, you would think that there were no barriers along our southern border, and that is not true. There are more than 600 miles of physical barriers. In some places, they don't make sense, but in some places, they have proven to be an effective deterrent. Republicans and Democrats voted to support the construction of these physical barriers in 2006.

As recently as last June, the Senate Appropriations Committee passed—again, on a bipartisan basis—a Homeland Security funding bill that would have provided the money for additional physical barriers at the border. The package before us that we will vote on tomorrow would supplement this existing infrastructure by providing funding for an additional 234 miles of barriers at high-priority locations identified by the experts at Customs and Border Patrol.

We already have more than 650 miles of physical barriers. What this bill

would provide is funding for 234 additional miles of fences, walls, and other kinds of physical barriers that have been specifically identified as needed by the experts at Customs and Border Patrol.

The bill would also provide \$800 million to meet the urgent humanitarian needs of those who are crossing the border, as well as additional funding for new Border Patrol agents, immigration judges, and Customs officers. Again, you rarely hear any discussion that this package includes \$800 million for humanitarian assistance, as well as funding for personnel, for technology, for K-9, and for sensors. This has to be a multipronged approach to be effective.

The package also takes some preliminary steps to alter our broken immigration system. We need to focus on the Dreamer population, those young people who were brought to this country by a parent usually at a very young age.

I so remember a conversation I had with a Dreamer who lives in Portland, ME, and attends the University of Southern Maine. He was brought to this country by his parents when he was age 4. He had no idea that he was not an American. He thought he was born in Portland and had lived his whole life there. It was only when he was going to apply for his driver's license that his parents told him the truth. The fact is, like so many other Dreamers, this young man has known no other country but America.

Many of the Dreamers are going to school, working, serving in the military, or otherwise contributing to our country. This legislation does not go as far as I would like, but it would at least provide relief for 3 years to the 700,000 young immigrants who are enrolled in the Deferred Action for Childhood Arrivals Program, or DACA Program. Frankly, I would prefer giving these young people a path to citizenship, provided that they have abided by and continue to abide by our laws.

We also need to help those legally receiving temporary protected status, the so-called TPS population. Many of these immigrants have been in the United States for years—even decades—working hard, creating jobs, and becoming established and valued members of their communities.

On the other hand, some of the asylum changes proposed in the President's bill are problematic. Allowing people to apply for asylum in their home countries appears to me to be a good idea, but raising the bar to qualify for asylum needs much more study.

The plan put forth by President Trump is by no means ideal, but it would result in the reopening of government—my priority—and the outlines of a compromise are before us. I urge my Democratic colleagues to also put forth a specific plan that addresses all of these issues.

Compromise is not a sign of weakness. It is a sign of strength, particularly when hundreds of thousands of families are being harmed.

The administration and Senate Republicans and Democrats have the opportunity to resolve the stalemate before 800,000 Federal workers and their families—dedicated public servants—miss yet another paycheck, and our economy is further damaged. Shutdowns harm too many innocent Federal employees and their families as well as vulnerable citizens, homeowners, small businesses, and rural communities. This shutdown must end.

I thank the Presiding Officer.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Madam President, it is day 33 of this dangerous and unnecessary government shutdown.

Let me share with my colleagues that this morning, I stopped by an IBEW office that was set up by the Maryland Food Bank. We are very proud to have the Maryland Food Bank in Maryland. It provides the necessary food for hungry Marylanders who go through tough times and can't get enough food for their families. I don't think we ever thought it would have to set up a special location for Federal workers and for those who are impacted because of a Federal shutdown, but it is exactly what it did today. I am very proud of those at the Maryland Food Bank. I thank them for their services to the people of our State. They have now been able to provide basic food to patriotic Federal workers who are not getting their paychecks.

This will be the second pay period this week for which Federal workers' pay stubs will read "zero" for the work they will have done. Of the over 800,000 Federal workers, 30 percent are veterans. They are patriotic Americans who show up every day to do work—to keep us safe, to deal with our national security, to deal with our food safety. The list goes on and on and on. They are showing up today and working on the 33rd day. They are being asked to carry out their work with their having no prospects of getting paid in the near future. These are patriotic Americans.

The number is more than 800,000. We also have contract workers who get contracts from the government. Many of these contractors employ low-wage workers to do basic work for the government. These workers are not getting paid.

We have small businesses that depend upon contracts that are not being fulfilled right now because of the government shutdown. They are laying off workers.

Then we have the general impact on our economy. It is projected that we are going to lose all of our economic growth, which will slow down and create more unemployment in America.

All of that is happening because of this shutdown. It is in our national security interest to end this dangerous shutdown. The FBI is on shutdown,

meaning many of its workers are not even being brought in, and those who are being brought in are having a difficult time doing their jobs. On Thursday, the FBI Agents Association released a petition that describes the shutdown as a matter of national security. It urges leaders in Washington to reopen the government.

"On Friday, January 11, 2019, FBI Agents will not be paid due to the partial government shutdown, but we will continue our work protecting our nation," the petition reads. "We urge our elected representatives to fund the Department of Justice . . . and the FBI because financial security is a matter of national security."

My colleagues, these are people who go to work every day to keep us safe, and we are asking them to do that without their having a full complement of supporting workers and to do it without being paid.

Recently, I met with our airport security people—the TSA and others—who are charged with keeping our airports safe. They are responsible for air traffic safety. They asked me how they can do their work when they are distracted. How are they going to pay their bills? They also don't have the full complement of support staff necessary. That is what it is at risk.

We know security is being compromised in our Federal Prison System. On Friday, prison guard Brian Shoemaker was patrolling the halls of Lee penitentiary in Southwestern Virginia when an inmate tried to squeeze past him into a restricted area. Seconds after Shoemaker told the prisoner to turn around, the inmate lunged at him and punched him in his shoulder. Mr. Shoemaker did not sustain a major injury, but it did not escape him that he was working without a paycheck at one of the most dangerous Federal jobs in America during this partial government shutdown. Fears for his and other prison staff members' safety are escalating as 16-hour shifts become routine and as a growing number of guards call in sick in protest and work side jobs to pay their bills.

"I don't think we should be subjected to that kind of thing and not receive a paycheck," said Shoemaker, age 48, a 17-year veteran of Lee penitentiary. "I'm walking in here and doing my job every day, and it's very dangerous."

Mr. Shoemaker is one of 36,000 Federal prison workers who is deemed to be an essential employee by the U.S. Government, which means he is expected to report for work during the shutdown even though he will not get paid until the government reopens. He has worked 33 days without pay.

Even though these employees are supposed to work, union officials at 10 prisons, including Lee, who were reached by the Washington Post, say the number of employees who are not showing up for work has at least doubled since the shutdown began. This cannot continue.

As a result, those who are showing up are routinely working double shifts,

correctional officers and other prison staff members say. Secretaries, janitors, and teachers are filling in for absent officers. There is at least one prison—Hazelton Federal Correctional Complex in West Virginia—at which the number of assaults on officers has increased since the shutdown, according to a union official there.

"There has been a rise in people calling in sick and taking leave during the shutdown," said Richard Heldreth, the local union president at the Hazelton prison. "The staff who are showing up are dealing with this violence, long hours and extra overtime with the uncertainty of when we will be compensated."

The list goes on.

I had a chance to meet with some of our Coast Guard workers this morning. The Coast Guard is in a partial shutdown. Here is one of the critical national security Agencies of this Nation that is not working at its full strength. We have heard the President talk about border security. He has compromised border security by not allowing Homeland Security to be fully operational—to have all of its capacity—and its workers to be paid to do their work.

Research is being very badly hurt as a result of this shutdown. A coalition of more than 40 patient and healthcare provider groups is warning about the effects of the government shutdown on the FDA. This marks the first time advocacy organizations have weighed in on the more than month-long lapse in appropriations.

"We fear that this continued shutdown not only puts the current health and safety of Americans' safety at risk, but has begun to put future scientific discovery and innovation in jeopardy," the group wrote in a letter to President Donald Trump and senior congressional leadership. The effort, spearheaded by Friends of Cancer Research, has drawn in the American Academy of Pediatrics, the American Society of Clinical Oncology, Research!America, and the National Organization for Rare Disorders.

The shutdown is keeping the FDA from reviewing new drug and medical device applications and from conducting certain inspections of food and medical product facilities. It has also slowed the hiring and onboarding of new staff at an Agency that is already grappling with hundreds of vacancies. Some FDA research and policy development has also come to a halt.

The FDA regulates products and industries that comprise about one-quarter of the U.S. economy. The FDA ensures a safe food supply; protects patients from contaminated and unsafe medical products; and approves new lifesaving treatments, the group wrote.

The list goes on.

Diplomatic missions around the world are being compromised. I had a chance to talk to one of our Ambassadors in a key country of great interest to the United States. He confided in

me that without a full complement of staff, his mission is being compromised, and our national security is being put at risk.

Let's take a look at the faces of the people who are impacted by this shutdown. I already mentioned the fact that just a few hours ago, I was at the Maryland Food Bank location at which I saw very proud, patriotic government workers stand in line to get bags so they could pick up food because they didn't have the money to pay for food for their families. That is what is at stake.

I have received letters from Federal workers who are concerned about whether they will be able to continue their dental and vision health protection because those payments are not automatically made when we are in shutdown. The workers are supposed to make those payments directly. How many workers are going to be able to or will even know that they need to make the payments? They may see the loss of critical coverage.

I know it is affecting people's credit scores. We know credit agencies are not very tolerant with late payments. Yet government workers are going to have to slow down in paying their bills because they will not have money. Most workers live paycheck to paycheck in paying their bills. Now their credit scores are going to be affected, and that is going to affect the cost of credit. It may affect such things as their security clearances, which will affect their employment.

I have heard from several Federal workers. I heard from one who said: I have this dilemma. I live 90 miles away from where I work as a Federal worker. I am expected to be there every day. I don't have the money to pay for gasoline for my car. Yet I am expected to pay for that without getting a paycheck. By the way, I don't have the money to pay for the childcare for my children. How am I expected to show up for work and do essential work when I don't have the money to take care of my needs so I can get transportation to my job and take care of my family's needs with safe childcare?

This is the face of the people who have been impacted by this partial government shutdown. Her circumstances are really shocking.

One might be surprised to learn that many Federal workers are expected to use their own personal credit cards to pay for government expenses. If they travel on behalf of the government, they use their own credit cards to pay for those expenses. I am told it averages somewhere around \$600 a month. At the end of the month, they have to, of course, pay their credit card bills, but they have their reimbursements from the Federal Government for these legitimate expenses. In a government shutdown, there is no Agency that can reimburse them for that money. The credit card companies are going to demand that they pay. These are government expenses, not theirs. What do

they do? This is where we are today with the tragedies.

There was an ad in the paper that really got to me. It was written by a government worker who said she was looking for a job.

She writes:

I'm currently furloughed due to the government shutdown and am available for baby-sitting during the workday. I have plenty of childcare experience from raising my two children, ages 3 and 5, so I know how hard it can be to find last-minute weekday childcare. Alternatively, I'm also happy to provide science tutoring for any high school or college students. I have a Ph.D. in cellular and molecular medicine and can help with biology, genetics, microbiology, biochemistry, cell bio, or research methods. Please message me if interested, and I would be happy to provide you with additional information. Thanks.

Here is a Federal worker whom we want to keep in Federal service. She needs money to pay her bills and is willing to be a babysitter but has scientific training. We know she could be gobbled up in the private sector for a lot more money than she is making as a government employee, and we are going to lose her. We are going to lose a lot of talented workers who ask: How much longer can I put up with this? How much longer can I work without pay? The critical missions that she is performing on behalf of America will be compromised and lost. This is what is at risk. This is what we are risking.

I haven't even gone into all of the different Agencies or the work that is important to Americans. HUD's being closed means FHA loans are not being processed and that you can't go forward with your closing on a home. I know several senior housing projects are being put on hold, which jeopardizes quality, affordable housing for our seniors. The IRS season is beginning, but it doesn't have its full complement. People want their refunds, but they are going to be delayed. The list goes on and on and on.

This is President Trump's shutdown. Many of us, on both sides of the aisle—Democrats and Republicans—understand border security issues. In the fiscal year 2019 appropriations, our appropriators did their work. The distinguished ranking member, Senator LEAHY, is on the floor. He worked very closely with Senator SHELBY on every single appropriations bill in a bipartisan manner. We did our work in the U.S. Senate.

Seven of the appropriations bills have not yet been completed through no fault of the work of our appropriators. Four of them passed the Senate by a vote of 92 to 6. Why don't we just pick them up and pass them? We have tried. I have asked unanimous consent. Because we don't want to offend the President, the Republican leaders have refused to allow us to consider them. Two others passed the Appropriations Committee by votes of 31 to 0 and 30 to 1.

With regard to Homeland Security, on border security the committee did

its work on the fiscal year 2019 budget. They came up with a game plan on border security. We did our work on time, in a bipartisan manner. We know how to deal with border security issues. We have the expertise to work to make sure that we spend our money in the most appropriate way to defend our border and to protect Americans.

So what should we do? First, we should open the government. There is no excuse for the government to be closed. We are a coequal branch of government. We need to act as a coequal branch of government. It is our responsibility. We will have that chance tomorrow.

There will be a vote on the floor of the Senate to pass a short-term continuing resolution. This is identical to what we acted on by unanimous consent before the President changed his mind.

Let's remove the hostage-taking of the American public. Let's have a short period of time to prove that we can use the legislative process here, as we have in the past, to work on border security issues and pass a bipartisan border security bill, but not under the tactics the President of the United States is currently using. We can act that way on behalf of the American people.

This is a dangerous shutdown. We have seen the results, and we know people's lives have been compromised and our national security has been affected. We need to take the leadership.

I hope my colleagues will join me tomorrow in voting for the continuing resolution so we can open the government and use our legislative process to deal with the border security issues and to deal with what is important to the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I hope the country has heard what the distinguished senior Senator from Maryland said. He sees this every day. He sees it when he goes home to Baltimore. He sees it when he talks with his neighbors. He sees it when he is in the grocery store. He sees it at the temple. He sees it everywhere because these are the people who are among our finest government workers, and they are out of work. They are not being paid. I suspect he also sees it with the contractors and subcontractors and those who are not on the Federal payroll but who would lose their jobs if the Federal Government is closed. So I compliment him for doing this.

I also appreciate what he said about the Appropriations Committee. The distinguished Presiding Officer is one of the hardest working chairs of the Appropriations subcommittees. I realize she cannot respond in her position as Presiding Officer, but I note that she moved her bill through. She did it in a way that got enormous support from Republicans and Democrats across the political spectrum, which is the way we are supposed to do it. It certainly has

been the way we have seen it done with people from her State. We did it with her father. We did it with my dear friend, Senator Stevens, when he was chair of the Appropriations Committee. We did it when the distinguished senior Senator from Maryland, Ms. Mikulski, was chair of the overall committee. We got this done.

It is a lot of work. It is tremendous work for our staffs on both sides of the aisle—a lot of late nights and weekends—but it is done because the American people want the U.S. Government to work.

For a month now, much of the Federal Government has been closed for business while the President of the United States rants and raves about his personal obsession, the centerpiece of his extreme, anti-immigration agenda—a wall on our southern border.

For a month now, hundreds of thousands of dedicated public servants have gone without a paycheck, even while many of them showed up for work every single day. Many can no longer pay their bills. They worry about how they are going to put food on the table. Many are looking for temporary work. Many are standing in line at food pantries. These are professionals. They are trying to figure out: How do we pay for childcare or healthcare? How do we pay our student loans? How do we pay for our mortgage?

It is not just the individuals. It is also our institutions. Our Federal courts are running out of money. Our Federal courts are running out of money. TSA agents are calling in sick in droves after weeks on the job without pay. What is that doing with air traffic, especially during the winter, in America?

Thousands of people who are trying to buy new homes, which boosts our economy, with a Federal Housing Administration loan told: Come back later.

Come back when?

Well, we don't know. Whenever President Trump ends the shutdown, come back.

Small businesses and farmers cannot get federally backed loans. This is after this body—under the leadership of the distinguished Republican, Senator ROBERTS, and the distinguished Democrat, Senator STABENOW—put through a 5-year farm bill, which brought almost all of us together. We voted for it, but now farmers can't use it. They don't even know what the new rules are because nobody is there to answer their questions.

We scaled back on food inspections. We are not enforcing our clean air and clean water rules. Our national parks are being vandalized and permanently damaged as they remain open to the public, but they are not staffed.

As a former prosecutor, here is something that sends a chill down my spine. The FBI Agents Association says criminal investigations are being stymied, grand jury subpoenas are going undelivered, and confidential sources

are being lost. It is quickly becoming a national security threat.

This is America? This is the country I am proud to serve?

Either the President does not understand the harm his shutdown is causing, or he does not care. But the country is suffering. Our economy is suffering. The American people are suffering.

The Trump shutdown makes us look foolish and weak to the rest of the world. This is the leader of the free world we are seeing as weak and incompetent. However, over the weekend, the President addressed the country from the White House, and he laid out his price to stop the shutdown. Calling it a compromise, he made vague promises for protections for DACA recipients and those who receive TPS, or temporary protected status. We could end this shutdown, he said, and all U.S. taxpayers had to do was fund his wall—a wasteful monument to himself that he just wants the taxpayers to fund, even though he gave his word to all Americans, over and over, that Mexico would pay for it. He did not tell the truth then, and now he wants the American taxpayers to bail him out.

It was a transparent attempt to look reasonable on national television, while simultaneously holding the Federal Government and millions of Americans hostage to a shutdown that harms our economy and our communities every day. But as for offering temporary protections for vulnerable immigrants—protections that he unilaterally chose to strip, in the first place—in exchange for a permanent, ineffective wall, nobody can call that reasonable. It is hardly reasonable to hold the well-being of our Federal workforce or the services upon which many in America rely as hostages to fund a pet project. The President cannot bargain with something that he broke.

On Monday night, Senate Republicans unveiled the President's plan in more detail. It became clear that what seemed like a disingenuous ploy to seem reasonable to stop his slide in the polls was really a much more cynical attempt to implement his hard-lined, anti-immigration agenda, using the harm of the Trump shutdown as leverage.

The McConnell bill before us reads like an A-through-Z immigration wish list for President Trump and those in his anti-immigrant inner circle. First, the bill provides \$5.7 billion for a wasteful monument to the President's ego—a wall that most experts say would do little to address the real problems on our southern border.

The bill, ultimately, dramatically increases the number of Immigration and Customs Enforcement, or so-called ICE, detention beds to 52,000 and ICE enforcement agents by 2,000. Even as I give these numbers, I think of walking through these rooms with cages that children are being kept in. Every one of us who has children or grandchildren

and every one of us who has gone through a school yard and has seen young children has heard that the decibel level is outstanding. They are laughing. They are playing. They are talking with each other. When you go through these cages—these cages holding these young, innocent children—there is dead silence—no laughter, no talking with each other, no joking. There is dead silence.

This is America. What are we showing the rest of the world?

The Trump administration has repeatedly proven it does not know how to prioritize its immigration enforcement resources. In the first 14 months of the Trump administration, ICE's arrests of immigrants with no criminal convictions—no criminal convictions—spiked by 203 percent over the last 14 months of the previous administration. So it shows that President Trump has not deployed resources to round up, as he said, “bad hombres” or threats to our national security. He is deploying his enforcement resources to strike fear into the hearts of all undocumented immigrants.

This administration's enforcement policies are driven by the cruel desire to scare undocumented immigrants into believing that they or their disabled children or their elderly parents could be next. Until the Trump administration changes its dragnet approach to immigration enforcement, Congress should not fund an expansion of his detention and deportation force.

I would ask anybody to walk past those cages with the children in them. I never thought I would see this in America. I have seen it in war zones and other countries, but not America—not in the America I love.

The bill also contains provisions that serve as fig leaves to fix problems the Trump administration brought about in the first place. It would provide 3 years of temporary protection to 700,000 individuals currently involved in DACA—protections that are only required because of the President's own decision to terminate the DACA Program. It would not provide a path to citizenship for these Dreamers or any protections to the nearly 1 million more individuals who are eligible for DACA protections. Similarly, the bill would provide 3 years of temporary protection to TPS recipients from a few countries with TPS designation the Trump administration terminated in the first place.

If you provide permanent funding for a wall in exchange for provisions that temporarily clean up messes of the Trump administration's own making, that is not a compromise. It is taking hostages on top of hostages. That is a nonstarter. Stripping away protections from Dreamers and TPS recipients and then treating them like pawns by suddenly offering them temporary reprieve—this is not compassion. It is callous. It is wicked. It is evil.

Finally, the bill seeks to dismantle our humanitarian asylum system as we



know it. It contains provisions that would effectively bar any asylum applications from Honduran, Guatemalan, and Salvadoran minors that are not made from a designated processing center somewhere in Central America. In other words, thousands of vulnerable children fleeing the horrors of torture, murder, and rape in the Northern Triangle and arriving at our border would be categorically barred from applying for asylum and be subject to immediate removal proceedings.

The entire point of asylum is to provide an opportunity for those who have fled from persecution and violence to seek refuge in our country. Our asylum system would become distorted beyond recognition if, instead, we punish these desperate children—punish them for the very act of fleeing for their lives.

It is remarkable that the man whose name is on the book called “The Art of the Deal” would think that Democrats would accept what amounts to a deal breaker. This Democrat will not.

I welcome a debate on the need for immigration reform. I would remind Senators that in 2013, when I was chairman of the Senate Judiciary Committee, I issued a bipartisan bill to reform the immigration system and secure our border through the committee. We held dozens of hearings. We considered hundreds of amendments. We often met until late at night. Then, when we brought it before the Senate, it got 68 votes here on the Senate floor. Republicans and Democrats joined together to give it a supermajority. So it shows it can be done, but not while the President holds hostage all Americans, including hundreds of thousands of Federal workers and their families.

I remind the Senate that on December 19, when Republicans controlled the House and Republicans controlled the Senate, the Senate passed a bipartisan bill to fund the government by a voice vote. In other words, the Senate was for keeping the government open—until President Trump changed the mind of our Republican leader.

The President and Senate Republicans should reopen the government now, without any further foot-dragging. Congress and the Senate are a co-equal and independent branch of government. We have bipartisan bills before Congress right now to do that. My friend the majority leader has refused to bring them up while the country pays the price. This has to end. I hope he will pull up the bipartisan bills. I hope he will let us vote.

Again, I would say that we are looking weak to the rest of the world. We are looking foolish to the rest of the world. But what hurts the most are the people—not only Federal employees but contractors, private industry, and everybody else in every one of our States—who are suffering and watching our economy sink further as a result.

I see the distinguished majority leader on the floor, so I yield the floor.

#### ANNIVERSARY OF MARSHALL COUNTY HIGH SCHOOL SHOOTING

Mr. MCCONNELL. Madam President, I would like to take a moment to mark the first anniversary of the tragic shooting at Marshall County High School, which took place 1 year ago today in Benton, KY.

Bailey Holt and Preston Cope, both 15, began that morning just like any other. Their parents and friends described Bailey and Preston as bright kids with promising futures ahead, but this peaceful community was shattered when a fellow student opened fire, taking Bailey and Preston's lives, and leaving nearly 20 additional students wounded.

Their families were left to grieve, and for the past year, the community has done its best to provide comfort and put the pieces back together.

This evening, the Marshall County community will join together once again to remember the victims and to continue the healing. As they do, my prayers and those of all their fellow Kentuckians will be with them.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO DR. STEVEN M. SOUTHWICK

• Mr. BLUMENTHAL. Madam President, today I wish to recognize Dr. Steven M. Southwick on the occasion of his retirement.

For over 30 years, Dr. Southwick has dedicated himself to researching combat-related PTSD. His impressive work has helped make great strides in the efforts to alleviate suffering and promote resilience for veterans. Much of the necessary progress in this field is thanks to Dr. Southwick's diligent studies.

A graduate of Yale College, the George Washington School of Medicine, and the Yale Psychiatry Residency, Dr. Southwick served in the U.S. Army before attending medical school. During his service, he was stationed in Germany. His time in the military would shape the path of his future research.

In 1985, Dr. Southwick joined the faculty of the VA Connecticut Healthcare System and the Yale Department of Psychiatry. Throughout his career, he has worked not only with combat veterans, but also with a range of trauma survivors, including athletes, astronauts, civilians with PTSD, and former prisoners of war.

Some of his many notable accomplishments include leading the first mechanistic neurobiology study of PTSD and, along with his colleagues at the National Center for PTSD, being among the first to study the biological and cognitive underpinnings of resilience among U.S. Special Forces trainees. Through such research, Dr. Southwick pioneered the study of human resilience and introduced a new perspective on trauma. I have been fortunate to learn firsthand during visits to the

center about the progress he and his colleagues are making on this complex but extremely critical condition that affects many veterans and first responders, and I commend them on their vital work.

He now serves as the medical director of the clinical neuroscience division of the VA National Center for PTSD and the Glenn H. Greenberg Professor of Psychiatry, PTSD, and Resilience at the Yale University School of Medicine. In these positions, Dr. Southwick has mentored countless future leaders in the field of PTSD research.

Dr. Southwick is the recipient of numerous honors and takes part in a number of journals, committees, and seminars in his area of expertise. Though he is recognized for his immense contributions to the realm of PTSD research, he is also highly regarded and beloved by his colleagues, students, and patients.

I applaud his lifetime of service and hope my colleagues will join me in congratulating Dr. Southwick on his well-earned retirement.●

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Ridgway, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

#### MESSAGES FROM THE HOUSE

At 11:03 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 31. An act to require certain additional actions in connection with the national emergency with respect to Syria, and for other purposes.

H.R. 328. An act to require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department of State cybersecurity and a bug bounty program to identify and report vulnerabilities of internet-facing information technology of the Department of State, and for other purposes.

H.R. 353. An act to direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes.

H.R. 439. An act to amend the charter of the Future Farmers of America, and for other purposes.

H.R. 498. An act to eliminate unused sections of the United States Code, and for other purposes.

H.R. 676. An act to reiterate the support of the Congress of the United States for the

North Atlantic Treaty Organization, and for other purposes.

#### ENROLLED BILLS SIGNED

At 12:30 p.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 bills:

H.R. 259. An act to extend the Medicaid Money Follows the Person Rebalancing demonstration, to extend protection for Medicaid recipients of home and community-based services against spousal impoverishment, and for other purposes.

H.R. 430. An act to extend the program of block grants to States for temporary assistance for needy families and related programs through June 30, 2019.

The enrolled bills were subsequently signed by the Acting President pro tempore (Ms. MURKOWSKI).

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 31. An act to require certain additional actions in connection with the national emergency with respect to Syria, and for other purposes; to the Committee on Foreign Relations.

H.R. 328. An act to require the Secretary of State to design and establish a Vulnerability Disclosure Process (VDP) to improve Department of State cybersecurity and a bug bounty program to identify and report vulnerabilities of internet-facing information technology of the Department of State, and for other purposes; to the Committee on Foreign Relations.

H.R. 353. An act to direct the Secretary of State to develop a strategy to regain observer status for Taiwan in the World Health Organization, and for other purposes; to the Committee on Foreign Relations.

H.R. 439. An act to amend the charter of the Future Farmers of America, and for other purposes; to the Committee on the Judiciary.

H.R. 498. An act to eliminate unused sections of the United States Code, and for other purposes; to the Committee on the Judiciary.

#### 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-154. A communication from the Acting Secretary of Defense, transmitting a report on the approved retirement of Lieutenant General Stayce D. Harris, United States Air Force Reserve, and her advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC-155. A communication from the Acting Secretary of Defense, transmitting the report of an officer authorized to wear the insignia of the grade of vice admiral in accordance with title 10, United States Code, section 777a, for a period not to exceed 14 days before assuming the duties of the position for which the higher grade is authorized, this will not cause the Department to exceed the number of frocked officers authorized; to the Committee on Armed Services.

EC-156. A communication from the Acting Secretary of Defense, transmitting the report of an officer authorized to wear the in-

signia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-157. A communication from the Assistant General Counsel, Export-Import Bank of the United States, transmitting, pursuant to law, three (3) reports relative to vacancies in the Export-Import Bank of the United States, received in the Office of the President of the Senate on January 18, 2019; to the Committee on Banking, Housing, and Urban Affairs.

EC-158. A communication from the Chairman and President (Acting) of the Export-Import Bank of the United States, transmitting, pursuant to law, the Bank's 2018 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-159. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the Espanola Valley, Rio Grande Flood Risk Management and Ecosystem Restoration project, Espanola Valley, Rio Grande and Tributaries, New Mexico; to the Committee on Environment and Public Works.

EC-160. A communication from the Assistant Director of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans' Group Life Insurance Increased Coverage" ((RIN2900-AQ12) (38 CFR Part 9)) received in the Office of the President of the Senate on January 22, 2019; to the Committee on Veterans' Affairs.

EC-161. A communication from the Regulation Policy Development Coordinator, Office of Regulation Policy and Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Claims and Appeals Modernization" (RIN2900-AQ26) received in the Office of the President of the Senate on January 22, 2019; to the Committee on Veterans' Affairs.

#### ADDITIONAL COSPONSORS

S. 117

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 117, a bill to prohibit discrimination against individuals with disabilities who need long-term services and supports, and for other purposes.

S. 165

At the request of Mr. BLUMENTHAL, the names of the Senator from Illinois (Ms. DUCKWORTH), the Senator from West Virginia (Mr. MANCHIN), the Senator from Virginia (Mr. KAINE), the Senator from Maryland (Mr. VAN HOLLEN) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 165, a bill to amend chapter 85 of title 5, United States Code, to clarify that Federal employees excepted from a furlough are eligible for unemployment compensation.

S. 172

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 172, a bill to delay the reimposition of the annual fee on health insurance providers until after 2021.

S. 183

At the request of Mr. LANKFORD, the names of the Senator from Arkansas (Mr. BOOZMAN) and the Senator from

South Dakota (Mr. THUNE) were added as cosponsors of S. 183, a bill to amend the Public Health Service Act to prohibit governmental discrimination against providers of health services that are not involved in abortion.

S. 184

At the request of Mr. MERKLEY, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 184, a bill to authorize the appropriation of funds to the Centers for Disease Control and Prevention for conducting or supporting research on firearms safety or gun violence prevention.

S. 190

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. 190, a bill to amend the Foreign Assistance Act of 1961 to prohibit assistance to nonprofits, foreign nongovernmental organizations, and quasi-autonomous nongovernmental organizations that promote or perform abortions.

S.J. RES. 1

At the request of Mr. SCOTT of Florida, his name was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relative to limiting the number of terms that a Member of Congress may serve.

S. RES. 20

At the request of Mr. LEE, the name of the Senator from Texas (Mr. CRUZ) was added as a cosponsor of S. Res. 20, a resolution expressing the sense of the Senate that the Protecting Life in Global Health Assistance policy should be permanently established.

#### AMENDMENTS SUBMITTED AND PROPOSED

SA 7. Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table.

SA 8. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 9. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 10. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 11. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 12. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 13. Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 14. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 15. Mr. SHELBY submitted an amendment intended to be proposed by him to the

bill H.R. 268, supra; which was ordered to lie on the table.

SA 16. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 17. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 18. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 19. Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

SA 20. Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 268, supra; which was ordered to lie on the table.

### TEXT OF AMENDMENTS

**SA 7.** Mr. BURR submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

#### **DIVISION —INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEARS 2018 AND 2019**

##### **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) **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”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Definitions.
- Sec. 3. Explanatory statement.

##### **TITLE I—INTELLIGENCE ACTIVITIES**

- Sec. 101. Authorization of appropriations.
- Sec. 102. Classified Schedule of Authorizations.
- Sec. 103. Intelligence Community Management Account.

##### **TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM**

- Sec. 201. Authorization of appropriations.
- Sec. 202. Computation of annuities for employees of the Central Intelligence Agency.

##### **TITLE III—GENERAL INTELLIGENCE COMMUNITY MATTERS**

- Sec. 301. Restriction on conduct of intelligence activities.
- Sec. 302. Increase in employee compensation and benefits authorized by law.
- Sec. 303. Modification of special pay authority for science, technology, engineering, or mathematics positions and addition of special pay authority for cyber positions.
- Sec. 304. Modification of appointment of Chief Information Officer of the Intelligence Community.
- Sec. 305. Director of National Intelligence review of placement of positions within the intelligence community on the Executive Schedule.
- Sec. 306. Supply Chain and Counterintelligence Risk Management Task Force.

Sec. 307. Consideration of adversarial telecommunications and cybersecurity infrastructure when sharing intelligence with foreign governments and entities.

Sec. 308. Cyber protection support for the personnel of the intelligence community in positions highly vulnerable to cyber attack.

Sec. 309. Modification of authority relating to management of supply-chain risk.

Sec. 310. Limitations on determinations regarding certain security classifications.

Sec. 311. Joint Intelligence Community Council.

Sec. 312. Intelligence community information technology environment.

Sec. 313. Report on development of secure mobile voice solution for intelligence community.

Sec. 314. Policy on minimum insider threat standards.

Sec. 315. Submission of intelligence community policies.

Sec. 316. Expansion of intelligence community recruitment efforts.

##### **TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY**

###### **Subtitle A—Office of the Director of National Intelligence**

- Sec. 401. Authority for protection of current and former employees of the Office of the Director of National Intelligence.
- Sec. 402. Designation of the program manager-information sharing environment.
- Sec. 403. Technical modification to the executive schedule.
- Sec. 404. Chief Financial Officer of the Intelligence Community.
- Sec. 405. Chief Information Officer of the Intelligence Community.

###### **Subtitle B—Central Intelligence Agency**

- Sec. 411. Central Intelligence Agency subsistence for personnel assigned to austere locations.
- Sec. 412. Special rules for certain monthly workers’ compensation payments and other payments for Central Intelligence Agency personnel.
- Sec. 413. Expansion of security protective service jurisdiction of the Central Intelligence Agency.
- Sec. 414. Repeal of foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.

###### **Subtitle C—Office of Intelligence and Counterintelligence of Department of Energy**

- Sec. 421. Consolidation of Department of Energy Offices of Intelligence and Counterintelligence.
- Sec. 422. Establishment of Energy Infrastructure Security Center.
- Sec. 423. Repeal of Department of Energy Intelligence Executive Committee and budget reporting requirement.

###### **Subtitle D—Other Elements**

- Sec. 431. Plan for designation of counterintelligence component of Defense Security Service as an element of intelligence community.
- Sec. 432. Notice not required for private entities.
- Sec. 433. Framework for roles, missions, and functions of Defense Intelligence Agency.

Sec. 434. Establishment of advisory board for National Reconnaissance Office.

Sec. 435. Collocation of certain Department of Homeland Security personnel at field locations.

##### **TITLE V—ELECTION MATTERS**

- Sec. 501. Report on cyber attacks by foreign governments against United States election infrastructure.
- Sec. 502. Review of intelligence community’s posture to collect against and analyze Russian efforts to influence the Presidential election.
- Sec. 503. Assessment of foreign intelligence threats to Federal elections.
- Sec. 504. Strategy for countering Russian cyber threats to United States elections.
- Sec. 505. Assessment of significant Russian influence campaigns directed at foreign elections and referenda.
- Sec. 506. Foreign counterintelligence and cybersecurity threats to Federal election campaigns.
- Sec. 507. Information sharing with State election officials.
- Sec. 508. Notification of significant foreign cyber intrusions and active measures campaigns directed at elections for Federal offices.
- Sec. 509. Designation of counterintelligence officer to lead election security matters.

##### **TITLE VI—SECURITY CLEARANCES**

- Sec. 601. Definitions.
- Sec. 602. Reports and plans relating to security clearances and background investigations.
- Sec. 603. Improving the process for security clearances.
- Sec. 604. Goals for promptness of determinations regarding security clearances.
- Sec. 605. Security Executive Agent.
- Sec. 606. Report on unified, simplified, Governmentwide standards for positions of trust and security clearances.
- Sec. 607. Report on clearance in person concept.
- Sec. 608. Budget request documentation on funding for background investigations.
- Sec. 609. Reports on reciprocity for security clearances inside of departments and agencies.
- Sec. 610. Intelligence community reports on security clearances.
- Sec. 611. Periodic report on positions in the intelligence community that can be conducted without access to classified information, networks, or facilities.
- Sec. 612. Information sharing program for positions of trust and security clearances.
- Sec. 613. Report on protections for confidentiality of whistleblower-related communications.

##### **TITLE VII—REPORTS AND OTHER MATTERS**

- Subtitle A—Matters Relating to Russia and Other Foreign Powers
- Sec. 701. Limitation relating to establishment or support of cybersecurity unit with the Russian Federation.
- Sec. 702. Report on returning Russian compounds.
- Sec. 703. Assessment of threat finance relating to Russia.
- Sec. 704. Notification of an active measures campaign.

Sec. 705. Notification of travel by accredited diplomatic and consular personnel of the Russian Federation in the United States.

Sec. 706. Report on outreach strategy addressing threats from United States adversaries to the United States technology sector.

Sec. 707. Report on Iranian support of proxy forces in Syria and Lebanon.

Sec. 708. Annual report on Iranian expenditures supporting foreign military and terrorist activities.

Sec. 709. Expansion of scope of committee to counter active measures and report on establishment of Foreign Malign Influence Center.  
Subtitle B—Reports

Sec. 711. Technical correction to Inspector General study.

Sec. 712. Reports on authorities of the Chief Intelligence Officer of the Department of Homeland Security.

Sec. 713. Report on cyber exchange program.

Sec. 714. Review of intelligence community whistleblower matters.

Sec. 715. Report on report of Director of National Intelligence with respect to certain foreign investments.

Sec. 716. Report on surveillance by foreign governments against United States telecommunications networks.

Sec. 717. Biennial report on foreign investment risks.

Sec. 718. Modification of certain reporting requirement on travel of foreign diplomats.

Sec. 719. Semiannual reports on investigations of unauthorized disclosures of classified information.

Sec. 720. Congressional notification of designation of covered intelligence officer as persona non grata.

Sec. 721. Reports on intelligence community participation in vulnerabilities equities process of Federal Government.

Sec. 722. Inspectors General reports on classification.

Sec. 723. Reports on global water insecurity and national security implications and briefing on emerging infectious disease and pandemics.

Sec. 724. 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.

Sec. 725. Study on the feasibility of encrypting unclassified wireline and wireless telephone calls.

Sec. 726. Modification of requirement for annual report on hiring and retention of minority employees.

Sec. 727. Reports on intelligence community loan repayment and related programs.

Sec. 728. Repeal of certain reporting requirements.

Sec. 729. Inspector General of the Intelligence Community report on senior executives of the Office of the Director of National Intelligence.

Sec. 730. Briefing on Federal Bureau of Investigation offering permanent residence to sources and co-operators.

Sec. 731. Intelligence assessment of North Korea revenue sources.

Sec. 732. Report on possible exploitation of virtual currencies by terrorist actors.

Sec. 733. Inclusion of disciplinary actions in annual report relating to section 702 of the Foreign Intelligence Surveillance Act of 1978.

#### Subtitle C—Other Matters

Sec. 741. Public Interest Declassification Board.

Sec. 742. Securing energy infrastructure.

Sec. 743. Bug bounty programs.

Sec. 744. Modification of authorities relating to the National Intelligence University.

Sec. 745. Technical and clerical amendments to the National Security Act of 1947.

Sec. 746. Technical amendments related to the Department of Energy.

Sec. 747. Sense of Congress on notification of certain disclosures of classified information.

Sec. 748. 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.

Sec. 749. Sense of Congress on WikiLeaks.

#### SEC. 2. 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.

#### SEC. 3. EXPLANATORY STATEMENT.

The explanatory statement regarding this division, printed in the Senate section of the Congressional Record, by the Chairman of the Select Committee on Intelligence of the Senate, shall have the same effect with respect to the implementation of this division as if it were a joint explanatory statement of a committee of conference.

#### TITLE I—INTELLIGENCE ACTIVITIES

##### SEC. 101. 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. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS.—The amounts authorized to be appropriated under

section 101 for the conduct of the intelligence activities of the elements listed in paragraphs (1) through (16) of section 101, 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. 103. 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 102(a).

#### TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

##### SEC. 201. 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. 202. 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(i)”.

(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 III—GENERAL INTELLIGENCE COMMUNITY MATTERS

#### SEC. 301. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this division shall not be deemed to con-

stitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

#### SEC. 302. 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. 303. 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. 304. 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. 305. 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 Government 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. 306. 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 Government 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. 307. 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. 308. 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. 309. 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. 310. LIMITATIONS ON DETERMINATIONS REGARDING CERTAIN SECURITY CLASSIFICATIONS.**

(a) PROHIBITION.—An officer of an element 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. 311. 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. 312. 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. 313. 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. 314. 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. 315. 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. 316. 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 IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY****Subtitle A—Office of the Director of National Intelligence****SEC. 401. 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. 402. 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. 403. 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. 404. 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. 405. 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. 411. 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. 412. SPECIAL RULES FOR CERTAIN MONTHLY WORKERS' COMPENSATION PAYMENTS AND OTHER PAYMENTS FOR CENTRAL INTELLIGENCE AGENCY PERSONNEL.**

(a) **IN GENERAL.**—The Central Intelligence Agency Act of 1949 (50 U.S.C. 3501 et seq.) is amended by inserting after section 19 the following new section:

**“SEC. 19A. SPECIAL RULES FOR CERTAIN INDIVIDUALS INJURED BY REASON OF WAR, INSURGENCY, HOSTILE ACT, OR TERRORIST ACTIVITIES.**

“(a) **DEFINITIONS.**—In this section:

“(1) **COVERED DEPENDENT.**—The term ‘covered dependent’ means a family member (as defined by the Director) of a covered employee who, on or after September 11, 2001—

“(A) accompanies the covered employee to an assigned duty station in a foreign country; and

“(B) becomes injured by reason of a qualifying injury.

“(2) **COVERED EMPLOYEE.**—The term ‘covered employee’ means an officer or employee of the Central Intelligence Agency who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

“(3) **COVERED INDIVIDUAL.**—The term ‘covered individual’ means an individual who—

“(A)(i) is detailed to the Central Intelligence Agency from other agencies of the United States Government or from the Armed Forces; or

“(ii) is affiliated with the Central Intelligence Agency, as determined by the Director; and

“(B) who, on or after September 11, 2001, becomes injured by reason of a qualifying injury.

“(4) **QUALIFYING INJURY.**—The term ‘qualifying injury’ means the following:

“(A) With respect to a covered dependent, an injury incurred—

“(i) during war, insurgency, hostile act, or terrorist activities occurring during a period in which the covered dependent is accompanying the covered employee to an assigned duty station in a foreign country; and

“(ii) that was not the result of the willful misconduct of the covered dependent.

“(B) With respect to a covered employee or a covered individual, an injury incurred—

“(i) during war, insurgency, hostile act, or terrorist activities occurring during a period of assignment to a duty station in a foreign country; and

“(ii) that was not the result of the willful misconduct of the covered employee or the covered individual.

“(b) **ADJUSTMENT OF COMPENSATION FOR CERTAIN INJURIES.**—

“(1) **INCREASE.**—The Director may increase the amount of monthly compensation paid to a covered employee under section 8105 of title 5, United States Code. Subject to paragraph (2), the Director may determine the amount of each such increase by taking into account—

“(A) the severity of the qualifying injury;

“(B) the circumstances by which the covered employee became injured; and

“(C) the seniority of the covered employee.

“(2) **MAXIMUM.**—Notwithstanding chapter 81 of title 5, United States Code, the total amount of monthly compensation increased under paragraph (1) may not exceed the monthly pay of the maximum rate of basic pay for GS-15 of the General Schedule under section 5332 of such title.

“(c) **COSTS FOR TREATING QUALIFYING INJURIES.**—The Director may pay the costs of treating a qualifying injury of a covered employee, a covered individual, or a covered dependent, or may reimburse a covered employee, a covered individual, or a covered dependent for such costs, that are not otherwise covered by chapter 81 of title 5, United States Code, or other provision of Federal law.

“(d) **TREATMENT OF AMOUNTS.**—For purposes of section 104 of the Internal Revenue Code of 1986, amounts paid pursuant to this section shall be treated as amounts paid under chapter 81 of title 5, United States Code.”.

(b) **REGULATIONS.**—Not later than 120 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall—

(1) prescribe regulations ensuring the fair and equitable implementation of section 19A of the Central Intelligence Agency Act of 1949, as added by subsection (a); and

(2) submit to the congressional intelligence committees such regulations.

(c) **APPLICATION.**—Section 19A of the Central Intelligence Agency Act of 1949, as added by subsection (a), shall apply with respect to—

(1) payments made to covered employees (as defined in such section) under section 8105 of title 5, United States Code, beginning on or after the date of the enactment of this Act; and

(2) treatment described in subsection (b) of such section 19A occurring on or after the date of the enactment of this Act.

**SEC. 413. EXPANSION OF SECURITY PROTECTIVE SERVICE JURISDICTION OF THE CENTRAL INTELLIGENCE AGENCY.**

Subsection (a) of section 15 of the Central Intelligence 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. 414. 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. 421. 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. 422. ESTABLISHMENT OF ENERGY INFRASTRUCTURE SECURITY CENTER.**

Section 215 of the Department of Energy Organization Act (42 U.S.C. 7144b), as amended by section 421, is further amended by adding at the end the following:

“(e) ENERGY INFRASTRUCTURE SECURITY CENTER.—(1)(A) The President shall establish an Energy Infrastructure Security Center, taking into account all appropriate government tools to analyze and disseminate intelligence relating to the security of the energy infrastructure of the United States.

“(B) The Secretary shall appoint the head of the Energy Infrastructure Security Center.

“(C) The Energy Infrastructure Security Center shall be located within the Office of Intelligence and Counterintelligence.

“(2) In establishing the Energy Infrastructure Security Center, the Director of the Office of Intelligence and Counterintelligence shall address the following missions and objectives to coordinate and disseminate intelligence relating to the security of the energy infrastructure of the United States:

“(A) Establishing a primary organization within the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States pertaining to the security of the energy infrastructure of the United States.

“(B) Ensuring that appropriate departments and agencies have full access to and receive intelligence support needed to execute the plans or activities of the agencies, and perform independent, alternative analyses.

“(C) Establishing a central repository on known and suspected foreign threats to the

energy infrastructure of the United States, including with respect to any individuals, groups, or entities engaged in activities targeting such infrastructure, and the goals, strategies, capabilities, and networks of such individuals, groups, or entities.

“(D) Disseminating intelligence information relating to the security of the energy infrastructure of the United States, including threats and analyses, to the President, to the appropriate departments and agencies, and to the appropriate committees of Congress.

“(3) The President may waive the requirements of this subsection, and any parts thereof, if the President determines that such requirements do not materially improve the ability of the United States Government to prevent and halt attacks against the energy infrastructure of the United States. Such waiver shall be made in writing to Congress and shall include a description of how the missions and objectives in paragraph (2) are being met.

“(4) If the President decides not to exercise the waiver authority granted by paragraph (3), the President shall submit to Congress from time to time updates and plans regarding the establishment of an Energy Infrastructure Security Center.”.

**SEC. 423. 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. 431. 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. 432. 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. 433. 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. 434. 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. 435. 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 V—ELECTION MATTERS**

**SEC. 501. 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. 502. 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. 503. 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. 504. 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. 505. 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. 506. 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 Gov-

ernment 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. 507. 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. 508. 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. 509. 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 VI—SECURITY CLEARANCES**

**SEC. 601. 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 Government 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 605.

(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. 602. 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. 603. 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. 604. 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 603(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. 605. 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 sub-

mit 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. 606. 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. 607. 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. 608. 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. 609. 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. 610. 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 Government 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. 611. 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. 612. 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. 613. 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 Executive 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 VII—REPORTS AND OTHER MATTERS**

**Subtitle A—Matters Relating to Russia and Other Foreign Powers**

**SEC. 701. 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. 702. 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 Russia 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. 703. 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. 704. 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. 705. 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. 706. 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 Government 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. 707. 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 material 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. 708. 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. 709. 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 intelligence 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. 711. 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. 712. 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. 713. 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. 714. 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. 715. 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. 716. 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. 717. 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. 718. 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. 719. 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. 720. 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. 721. 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. 722. 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. 723. 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 implica-

tions 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;

(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. 724. 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. 725. 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. 726. 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. 727. 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. 728. 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. 729. 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 reasonable 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. 730. 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. 731. 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. 732. 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.

**SEC. 733. INCLUSION OF DISCIPLINARY ACTIONS IN ANNUAL REPORT RELATING TO SECTION 702 OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.**

Section 707(b)(1)(G)(ii) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881f(b)(1)(G)(ii)) is amended by inserting before the semicolon the following: “, including whether disciplinary actions were taken as a result of such an incident of noncompliance and the extent of such disciplinary actions”.

#### Subtitle C—Other Matters

**SEC. 741. 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. 742. 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 voluntarily 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. 743. 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. 744. 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. 745. 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)”; and

(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)”; and

(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)”; and

(9) in section 207, by striking “(c)”; and

(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. 746. TECHNICAL AMENDMENTS RELATED TO THE DEPARTMENT OF ENERGY.

(a) NATIONAL NUCLEAR SECURITY ADMINISTRATION ACT.—

(1) CLARIFICATION OF FUNCTIONS OF THE ADMINISTRATOR FOR NUCLEAR SECURITY.—Subsection (b) of section 3212 of the National Nuclear Security Administration Act (50 U.S.C. 2402(b)) is amended—

(A) by striking paragraphs (11) and (12); and

(B) by redesignating paragraphs (13) through (19) as paragraphs (11) through (17), respectively.

(2) COUNTERINTELLIGENCE PROGRAMS.—Section 3233(b) of the National Nuclear Security Administration Act (50 U.S.C. 2423(b)) is amended—

(A) by striking “Administration” and inserting “Department”; and

(B) 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”; and

(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. 747. 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. 748. 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 ac-

tivities 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. 749. 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 8.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 1 day after enactment.

**SA 9.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike “1 day” and insert “2 days”.

**SA 10.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 3 days after enactment.

**SA 11.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike “3” and insert “4”.

**SA 12.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

The provisions in this Act shall go into effect 5 days after enactment.

**SA 13.** Mr. SCHUMER submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 1, strike “5” and insert “6”.

**SA 14.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal

year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting “February 8, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Operations and Support’ for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That of the amount provided in this section, \$325,465,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Procurement, Construction, and Improvements’ for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110-161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations



Act, 2018 (Public Law 115-141) shall apply during fiscal year 2019 to the amounts made available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors: *Provided further*, That of the amount provided in this section, \$4,332,374,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Immigration and Customs Enforcement—Operations and Support’ for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the amount provided in this section, \$902,936,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 140. Each amount designated in sections 137, 138, and 139 of this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

“SEC. 141. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

“SEC. 142. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

“SEC. 143. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

“(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

“(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

“(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, ‘to continue carrying out a Federal program’ means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

“(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.”.

SEC. 102. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

**SA 15. Mr. SHELBY** submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

## **DIVISION A—FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2019**

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting “February 8, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Operations and Support’ for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That of the amount provided in this section, \$325,465,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Procurement, Construction, and Improvements’ for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110-161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141) shall apply during fiscal year 2019 to the amounts made

available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors: *Provided further*, That of the amount provided in this section, \$4,332,374,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Immigration and Customs Enforcement—Operations and Support’ for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided further*, That of the amount provided in this section, \$902,936,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 140. Each amount designated in sections 137, 138, and 139 of this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

“SEC. 141. Amounts made available in this Act for personnel pay, allowances, and bene-

fits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

“SEC. 142. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

“SEC. 143. (a) If a State (or another Federal grantee) used State funds (or the grantee’s non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee’s employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

“(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

“(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

“(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, ‘to continue carrying out a Federal program’ means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

“(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.”

SEC. 102. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.

This division may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

#### **DIVISION B—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF, 2019**

The following sums in this division are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, and for other purposes, namely:

#### **TITLE I**

#### **DEPARTMENT OF AGRICULTURE**

#### **AGRICULTURAL PROGRAMS**

#### **PROCESSING, RESEARCH AND MARKETING**

#### **OFFICE OF THE SECRETARY**

For an additional amount for the “Office of the Secretary”, \$3,005,442,000, which shall remain available until December 31, 2020, for necessary expenses related to losses of crops (including milk and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of Hurricanes Michael or Florence, other hurricanes, typhoons, volcanic activity, or wildfires occurring in calendar year 2018 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories and such assistance may include compensation to producers, as determined by the Secretary, for past or future crop insurance premiums, forest restoration, and poultry and livestock losses: *Provided further*, That of the amounts provided under this heading, tree assistance payments may be made under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), to be available until expended, for losses incurred during the period beginning January 1, 2018, and ending December 31, 2018: *Provided further*, That in the case of producers impacted by volcanic activity that resulted in the loss of crop land, or access to crop land, the Secretary shall consider all measures available, as appropriate, to bring replacement land into production: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 90 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, excluding tree insurance policies, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not later than 120 days after the end of fiscal year 2019, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory: *Provided further*, That such amount is 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.

## FARM SERVICE AGENCY

## EMERGENCY FOREST RESTORATION PROGRAM

For an additional amount for the “Emergency Forest Restoration Program”, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$480,000,000, to remain available until expended: *Provided*, That such amount is 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.

## NATURAL RESOURCES CONSERVATION SERVICE

## WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for “Watershed and Flood Prevention Operations”, for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$125,000,000, to remain available until expended: *Provided*, That such amount is 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.

## RURAL DEVELOPMENT

## RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT

For an additional amount 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, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$150,000,000, to remain available until expended: *Provided*, 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: *Provided further*, That such amount is 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.

## GENERAL PROVISIONS—THIS TITLE

SEC. 101. In addition to amounts otherwise made available, out of the funds made available under section 18 of Food and Nutrition Act of 2008, \$25,200,000 shall be available for the Secretary to provide a grant to the Commonwealth of the Northern Mariana Islands for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies: *Provided*, That funds made available to the Commonwealth of the Northern Mariana Islands under this section shall remain available for obligation by the Commonwealth until September 30, 2020: *Provided further*, That such amount is 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.

SEC. 102. For purposes of administering title I of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), losses to agricultural producers resulting from hurricanes shall also include losses incurred from Tropical Storm Cindy and losses of peach and blueberry crops in calendar year 2017 due to extreme cold: *Provided*, That the amounts provided by this section 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: *Provided further*, That amounts

repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 103. (a)(1) Except as provided in paragraph (2), a person or legal entity is not eligible to receive a payment under the Market Facilitation Program established pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) if the average adjusted gross income of such person or legal entity is greater than \$900,000.

(2) Paragraph (1) shall not apply to a person or legal entity if at least 75 percent of the adjusted gross income of such person or legal entity is derived from farming, ranching, or forestry related activities.

(b) A person or legal entity may not receive a payment under the Market Facilitation Program described in subsection (a)(1), directly or indirectly, of more than \$125,000.

(c) In this section, the term “average adjusted gross income” has the meaning given the term defined in section 760.1502 of title 7 Code of Federal Regulations (as in effect July 18, 2018).

(d) The amount provided by this section is 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.

## TITLE II

## DEPARTMENT OF COMMERCE

## ECONOMIC DEVELOPMENT ADMINISTRATION

## ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

## (INCLUDING TRANSFERS OF FUNDS)

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes, and other natural disasters occurring in calendar year 2018 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$600,000,000, to remain available until expended: *Provided*, That such amount is 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: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: *Provided further*, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

## NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

## OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for “Operations, Research, and Facilities” for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoon Yutu, and of wildfires, \$120,570,000, to remain available until September 30, 2020, as follows:

(1) \$3,000,000 for repair and replacement of observing assets, real property, and equipment;

(2) \$11,000,000 for marine debris assessment and removal;

(3) \$31,570,000 for mapping, charting, and geodesy services;

(4) \$25,000,000 to improve: (a) hurricane intensity forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; (b) flood prediction, forecasting, and mitigation capabilities; and (c) wildfire prediction, detection, and forecasting; and

(5) \$50,000,000 for Title IX Fund grants as authorized under section 906(c) of division O of Public Law 114-113:

*Provided*, That such amount is 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: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for funding provided under subsection (4) of this heading within 45 days after the date of enactment of this division.

## PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for “Procurement, Acquisition and Construction”, \$25,000,000, to remain available until September 30, 2021, for improvements to operational and research weather supercomputing infrastructure and satellite ground services used for hurricane intensity and track prediction; flood prediction, forecasting, and mitigation; and wildfire prediction, detection, and forecasting: *Provided*, That such amount is 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: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this division.

## FISHERIES DISASTER ASSISTANCE

For an additional amount for “Fisheries Disaster Assistance” for necessary expenses associated with the mitigation of fishery disasters, \$150,000,000, to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce, including those declared by the Secretary to be a direct result of Hurricanes Florence and Michael and Typhoons Yutu and Mangkhut: *Provided further*, That such amount is 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.

## DEPARTMENT OF JUSTICE

## UNITED STATES MARSHALS SERVICE

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$1,336,000: *Provided*, That such amount is 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.

## FEDERAL PRISON SYSTEM

## BUILDINGS AND FACILITIES

For an additional amount for “Buildings and Facilities” for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$28,400,000, to remain available until expended: *Provided*, That such amount is 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.

#### RELATED AGENCIES

##### LEGAL SERVICES CORPORATION

##### PAYMENT TO THE LEGAL SERVICES CORPORATION

For an additional amount for “Payment to the Legal Services Corporation” to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and calendar year 2018 wildfires, volcanic eruptions, and earthquakes, \$15,000,000: *Provided*, That such amount is 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: *Provided further*, That none of the funds appropriated in this division 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 division 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 2018 and 2019, respectively, and except that sections 501 and 503 of Public Law 104–134 (referenced by Public Law 105–119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this division, the Legal Services Corporation shall be considered an agency of the United States Government.

#### TITLE III

##### DEPARTMENT OF DEFENSE

##### OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for “Operation and Maintenance, Marine Corps”, \$200,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence: *Provided*, That such amount is 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.

##### OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for “Operation and Maintenance, Air Force”, \$400,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence: *Provided*, That such amount is 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.

#### TITLE IV

##### CORPS OF ENGINEERS—CIVIL

##### DEPARTMENT OF THE ARMY

##### INVESTIGATIONS

For an additional amount for “Investigations” for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including shore protection, studies which are currently authorized or which are authorized after the date of enactment of this division, to reduce risk from future floods and hurricanes, at full Federal expense, \$35,000,000, to remain available until expended, for high priority studies of projects in States and insular areas that were impacted by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and Tropical Storm Gita: *Provided*, That such amount is 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: *Pro-*

*vided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the date of enactment of this division.

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses, \$740,000,000, to remain available until expended, to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this division, and flood and storm damage reduction, including shore protection, projects which have signed Chief’s Reports as of the date of enactment of this division or which are studied using funds provided under the heading “Investigations” if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas that were impacted by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and Tropical Storm Gita: *Provided*, That projects receiving funds provided under the first proviso in “Title IV—Corps of Engineers—Civil—Department of the Army—Construction” in Public Law 115–123 shall not be eligible for funding provided under this heading: *Provided further*, That for projects receiving funds provided under this heading, the provisions of Section 902 of the Water Resources Act of 1986 shall not apply to these funds: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That using funds provided under this heading, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99–662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to \$25,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

##### MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps of Engineers

projects, caused by natural disasters, \$225,000,000, to remain available until expended: *Provided*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

##### OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$245,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

##### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$350,000, to be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, to remain available until expended, for expenses necessary in carrying out fire remediation activities related to wildfires in 2018: *Provided*, That such amount is 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.

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$15,500,000, to remain available until expended, for fire remediation and suppression emergency assistance related to wildfires in 2017 and 2018: *Provided*, That such amount is 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.

#### TITLE V

##### DEPARTMENT OF HOMELAND SECURITY SECURITY, ENFORCEMENT, AND INVESTIGATIONS

##### COAST GUARD

##### OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$46,977,000, to remain available until September 30, 2020: *Provided*, That such amount is 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.

PROCUREMENT, CONSTRUCTION, AND  
IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$476,755,000, to remain available until September 30, 2023: *Provided*, That such amount is 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.

ENVIRONMENTAL COMPLIANCE AND  
RESTORATION

For an additional amount for “Environmental Compliance and Restoration” for necessary expenses related to the consequences of Hurricanes Michael and Florence, \$2,000,000, to remain available until September 30, 2023: *Provided*, That such amount is 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.

TITLE VI

DEPARTMENT OF THE INTERIOR

UNITED STATES FISH AND WILDLIFE SERVICE  
CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence, Lane, and Michael, and flooding associated with major declared disaster DR-4365, and calendar year 2018 earthquakes, \$82,400,000, to remain available until expended: *Provided*, That of this amount \$50,000,000 shall be used to restore and rebuild national wildlife refuges and increase the resiliency and capacity of coastal habitat and infrastructure to withstand storms and reduce the amount of damage caused by such storms: *Provided further*, That such amount is 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.

NATIONAL PARK SERVICE

HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and Typhoon Yutu, \$50,000,000, to remain available until September 30, 2022, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is 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.

CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoons Yutu and Mangkhut, and calendar year 2018 wildfires, earthquakes, and volcanic eruptions, \$78,000,000, to remain available until expended: *Provided*, That such

amount is 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.

UNITED STATES GEOLOGICAL SURVEY  
SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and calendar year 2018 wildfires, earthquake damage associated with emergency declaration EM-3410, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to calendar year 2018 wildfires or volcanic eruptions, \$98,500,000, to remain available until expended: *Provided*, That of this amount, \$72,310,000 is for costs related to the repair and replacement of equipment and facilities damaged by disasters in 2018: *Provided further*, That, not later than 90 days after enactment of this division, the Survey shall submit a report to the Committees on Appropriations that describes the potential options to replace the facility damaged by the 2018 volcano disaster along with cost estimates and a description of how the Survey will provide direct access for monitoring volcanic activity and the potential threat to at-risk communities: *Provided further*, That such amount is 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.

DEPARTMENTAL OFFICES

INSULAR AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for “Technical Assistance” for financial management expenses related to the consequences of Typhoon Yutu, \$2,000,000, to remain available until expended: *Provided*, That such amount is 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.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is 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.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for necessary expenses related to improving preparedness of the water sector, \$600,000, to remain available until expended: *Provided*, That such amount is 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.

LEAKING UNDERGROUND STORAGE TANK TRUST  
FUND PROGRAM

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, calendar year 2018 earthquakes, and Typhoon Yutu, \$1,500,000, to remain available until expended: *Provided*, That such amount is des-

ignated 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.

STATE AND TRIBAL ASSISTANCE GRANTS

For additional amounts for “State and Tribal Assistance Grants” for necessary expenses related to the consequences of Hurricanes Florence and Michael and calendar year 2018 earthquakes for the hazardous waste financial assistance grants program, \$1,500,000, to remain available until expended; for necessary expenses related to the consequences of Typhoon Yutu for the hazardous waste financial assistance grants program and for other solid waste management activities, \$56,000,000, to remain available until expended, provided that none of these funds shall be subject to section 3011(b) of the Solid Waste Disposal Act; and for grants under section 106 of the Federal Water Pollution Control Act, \$5,000,000, to remain available until expended, to address impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu, and calendar year 2018 wildfires, notwithstanding subsections (b), (e), and (f), of such section: *Provided*, 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.

For an additional amount for “State and Tribal Assistance Grants”, \$349,400,000 to remain available until expended, of which \$53,300,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which \$296,100,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States in EPA Regions 4, 9, and 10 in amounts determined by the Administrator for wastewater treatment works and drinking water facilities impacted by Hurricanes Florence and Michael, Typhoon Yutu, and calendar year 2018 wildfires and earthquakes: *Provided further*, That notwithstanding the requirements of section 603(i) of the Federal Water Pollution Control Act and section 1452(d) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 20 percent but not more than 30 percent amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the Administrator shall retain \$10,400,000 of the funds appropriated herein for grants for drinking water facilities and waste water treatment plants impacted by Typhoon Yutu: *Provided further*, That the funds appropriated herein shall be used for eligible projects whose purpose is to reduce flood or fire damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or natural disaster at treatment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That the Administrator of the Environmental Protection Agency may retain up to \$1,000,000 of the funds appropriated herein for management and oversight: *Provided further*, That such amount is 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.

RELATED AGENCIES  
DEPARTMENT OF AGRICULTURE  
FOREST SERVICE  
FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$1,000,000, to remain available until expended for the forest inventory and analysis program: *Provided*, That such amount is 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.

STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$12,000,000, to remain available until expended: *Provided*, That such amount is 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.

NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$84,960,000, to remain available until expended: *Provided*, That of this amount \$21,000,000 shall be used for hazardous fuels management activities: *Provided further*, That such amount is 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.

CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$36,040,000, to remain available until expended: *Provided*, That such amount is 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.

WILDLAND FIRE MANAGEMENT  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$720,271,000, to remain available through September 30, 2022, for urgent wildland fire suppression operations: *Provided*, That such funds shall be solely available to be transferred to and merged with other appropriations accounts from which funds were previously transferred for wildland fire suppression in fiscal year 2018 to fully repay those amounts: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH  
NATIONAL INSTITUTE OF ENVIRONMENTAL  
HEALTH SCIENCES

For an additional amount for “National Institute of Environmental Health Sciences” for necessary expenses 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. 9606(a)) and section 126(g) of the Superfund Amendments and Reauthorization

Act of 1986 related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is 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.

GENERAL PROVISION—THIS TITLE

SEC. 601. Not later than 45 days after the date of enactment of this division, the agencies receiving funds appropriated by this title shall provide a detailed operating plan of anticipated uses of funds made available in this title by State and Territory, and by program, project, and activity, to the Committees on Appropriations: *Provided*, That no such funds shall be obligated before the operating plans are provided to the Committees: *Provided further*, That such plans shall be updated, including obligations to date, and submitted to the Committees on Appropriations every 60 days until all such funds are expended.

TITLE VII  
DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION  
TRAINING AND EMPLOYMENT SERVICES  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 (referred to under this heading as “covered disaster or emergency”), to remain available through September 30, 2020: *Provided*, That the Secretary of Labor may transfer up to \$1,000,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: *Provided further*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That of the amount provided, up to \$500,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such covered disaster or emergency: *Provided further*, That such amount is 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.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES  
CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$80,000,000, to remain available through September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut and Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191), including making payments under the Head Start Act: *Provided*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to the allocation re-

quirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to \$2,000,000 shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this division may be charged to funds appropriated under this heading: *Provided further*, That such amount is 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.

OFFICE OF THE SECRETARY  
PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND  
(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund”, \$166,000,000, to remain available through September 30, 2020, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut and Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 in those areas for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as “covered disaster or emergency”), including activities authorized under section 319(a) of the Public Health Service Act (referred to in this division as the “PHS Act”): *Provided*, That of the amount provided, \$45,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care” for expenses directly related to a covered disaster or emergency for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act, including alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by a covered disaster or emergency: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That of the amount provided, not less than \$20,000,000 shall be transferred to “Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support” for response, recovery, mitigation, and other expenses directly related to a covered disaster or emergency: *Provided further*, That of the amount provided, not less than \$100,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, treatment of substance use disorders, and other related helplines, and for other similar programs to provide support to individuals impacted by a covered disaster or emergency: *Provided further*, That of the amount provided, up to \$1,000,000, to remain available until expended, shall be transferred to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to such hurricanes, typhoons, and wildfires: *Provided further*, That such amount is 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.

DEPARTMENT OF EDUCATION  
HURRICANE EDUCATION RECOVERY  
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for necessary expenses



directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires, earthquakes, or volcanic eruptions in 2018 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as a “covered disaster or emergency”), \$165,000,000, to remain available through September 30, 2021: *Provided*, That such amount is 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: *Provided further*, That such assistance may be provided through any of the programs authorized under this heading in division B of title VIII of Public Law 115–123 (as amended by Public Law 115–141), as determined by the Secretary of Education, and subject to the terms and conditions that applied to those programs, except that references to dates and school years in Public Law 115–123 shall be deemed to be the corresponding dates and school years for the covered disaster or emergency: *Provided further*, That the Secretary of Education may determine the amounts to be used for each such program and shall notify the Committees on Appropriations of the House of Representatives and the Senate of these amounts not later than 7 days prior to obligation: *Provided further*, That \$2,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$1,000,000 of the funds made available under this heading shall be for program administration.

#### GENERAL PROVISIONS—THIS TITLE

SEC. 701. Not later than 30 days after the date of enactment of this division, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

SEC. 702. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

#### TITLE VIII

##### LEGISLATIVE BRANCH

##### GOVERNMENT ACCOUNTABILITY OFFICE

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until expended, for audits and investigations related to Hurricanes Florence, Lane, and Michael, Typhoons Yutu and Mangkhut, the calendar year 2018 wildfires, earthquakes, and volcano eruptions, and other disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That, not later than 90 days after the date of enactment of this division, the Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan specifying funding estimates for audits and investigations of any such declared disasters occurring in 2018 and identifying funding estimates or carryover balances, if any, that may be available for audits and inves-

tigations of any other such declared disasters: *Provided further*, That such amount is 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.

#### TITLE IX

##### DEPARTMENT OF DEFENSE

##### MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$115,000,000, to remain available until September 30, 2023, for planning and design related to the consequences of Hurricanes Florence and Michael on Navy and Marine Corps installations: *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 division, the Secretary of the Navy, or his 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: *Provided further*, That such amount is 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.

##### MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$700,000,000, to remain available until September 30, 2023, for planning and design, and construction expenses related to the consequences of Hurricane Michael: *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 basing plan and future mission requirements for installations significantly damaged by Hurricane Michael: *Provided further*, That, not later than 60 days after enactment of this division, the Secretary of the Air Force, or his 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: *Provided further*, That such amount is 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.

##### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For an additional amount for “Military Construction, Army National Guard”, \$42,400,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael: *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 form 1391 for each specific request: *Provided further*, That, not later than 60 days after enactment of this division, the Director of the Army National Guard, or his 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: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is 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.

##### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS HEALTH ADMINISTRATION

##### MEDICAL FACILITIES

##### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Medical Facilities”, \$3,000,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu: *Provided*, That the Secretary of Veterans Affairs, upon determination that such action is necessary to address needs as a result of the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu, may transfer such funds to any discretionary account of the Department of Veterans Affairs: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall submit notice thereof to the Committee on Appropriations of the House of Representatives and the Senate: *Provided further*, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is 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.

#### TITLE X

##### DEPARTMENT OF TRANSPORTATION

##### FEDERAL TRANSIT ADMINISTRATION

##### PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the “Public Transportation Emergency Relief Program” as authorized under section 5324 of title 49, United States Code, \$10,542,000 to remain available until expended, for transit systems affected by major declared disasters occurring in calendar year 2018: *Provided*, That not more than three-quarters of 1 percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is 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.

##### FEDERAL AVIATION ADMINISTRATION

##### OPERATIONS

##### (AIRPORT AND AIRWAY TRUST FUND)

Of the amounts made available for “Federal Aviation Administration—Operations” in division B of the Bipartisan Budget Act of 2018 (Public Law 115–123), up to \$18,000,000 shall also be available for necessary expenses related to the consequences of major declared disasters occurring in calendar year 2018: *Provided*, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### FEDERAL HIGHWAY ADMINISTRATION

##### EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,650,000,000, to remain available until expended: *Provided*, That such amount is 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.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT FUND

(INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$1,060,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster that occurred in 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That any funds made available under this heading and under the same heading in Public Law 115-254 that remain available, after the funds under such headings have been allocated for necessary expenses for activities authorized under such headings, shall be allocated to grantees, for mitigation activities in the most impacted and distressed areas resulting from a major disaster that occurred in 2018: *Provided further*, That such allocations shall be made in the same proportion that the amount of funds each grantee received under this division and the same heading in division I of Public Law 115-254 bears to the amount of all funds provided to all grantees that received allocations for disasters that occurred in 2018: *Provided further*, That of the amounts made available under the text preceding the first proviso under this heading and under the same heading in Public Law 115-254, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of the sum of such amounts of funds within 120 days after the enactment of this division based on the best available data, and shall allocate no less than 100 percent of such funds by no later than 180 days after the enactment of this division: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in Public Law 115-254 for non-Federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial controls and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary shall act in accordance with section 1210 of Public Law 115-254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155):

*Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursed by, or for which funds have been made available by, the Federal Emergency Management Agency or the Army Corps of Engineers, in excess of the authorized amount of the project or its components: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the first proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115-254) is amended by striking “State or unit of general local government” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115-254) is amended by striking “State or subdivision thereof” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408 (c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, imme-

diately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this heading, up to \$5,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115-254, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further*, That of the amounts made available under this heading and under the same heading in Public Law 115-254, up to \$2,500,000 shall be transferred, in aggregate, to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115-254 and the aggregate of such amounts shall be available for any of the same such purposes specified under this heading or the same heading in Public Law 115-254 without limitation: *Provided further*, That such amount is 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.

GENERAL PROVISION—THIS TITLE

SEC. 1001. (a) Amounts previously made available for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster, including funds provided under section 145 of division C of Public Law 114-223, section 192 of division C of Public Law 114-223 (as added by section 101(3) of division A of Public Law 114-254), section 421 of division K of Public Law 115-31, and any mitigation funding provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” of Public Law 115-123, that were allocated in response to Hurricane Matthew, may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Florence. In addition, any funds provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in this division or in division I of Public Law 115-254 that are allocated in response to Hurricane Florence may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Matthew. Until HUD publishes the Federal Register Notice implementing this provision, grantees may submit

for HUD approval revised plans for the use of funds related to Hurricane Matthew that expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by Hurricane Florence. Approval of any such revised plans shall include the execution of revised grant terms and conditions as necessary. Once the implementing Notice is published, any additional action plan revisions shall follow the requirements contained therein.

(b) Amounts made available for administrative costs for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas under this division or any future Act, and amounts previously provided under section 420 of division L of Public Law 114–113, section 145 of division C of Public Law 114–223, section 192 of division C of Public Law 114–223 (as added by section 101(3) of division A of Public Law 114–254), section 421 of division K of Public Law 115–31, and under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” of division B of Public Law 115–56, Public Law 115–123, and Public Law 115–254, shall be available for eligible administrative costs of the grantee related to any disaster relief funding identified in this subsection without regard to the particular disaster appropriation from which such funds originated.

(c) The additional uses pursuant to this section for amounts that were previously designated by the Congress, respectively, as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE XI

##### GENERAL PROVISIONS—THIS DIVISION

SEC. 1101. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1103. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

SEC. 1104. Each amount designated in this division 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1105. For purposes of this division, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

SEC. 1106. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and

subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

This division may be cited as the “Additional Supplemental Appropriations for Disaster Relief, 2019”.

**SA 16.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after section 1101 and insert the following:

#### TITLE XII—FURTHER CONTINUING APPROPRIATIONS

SEC. 1201. The Continuing Appropriations Act, 2019 (division C of Public Law 115–245) is further amended—

(1) by striking the date specified in section 105(3) and inserting “February 8, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Operations and Support’ for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That of the amount provided in this section, \$325,465,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Procurement, Construction, and Improvements’ for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine ves-

sels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110–161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141) shall apply during fiscal year 2019 to the amounts made available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115–141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors: *Provided further*, That of the amount provided in this section, \$4,332,374,000 is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

“SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Immigration and Customs Enforcement—Operations and Support’ for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States: *Provided*

further, That of the amount provided in this section, \$902,936,000 is 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.

“SEC. 140. Each amount designated in sections 137, 138, and 139 of this Act 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

“SEC. 141. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

“SEC. 142. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

“SEC. 143. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

“(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

“(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

“(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, ‘to continue carrying out a Federal program’ means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

“(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.”

SEC. 1202. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22,

2018, during which there occurred a lapse in appropriations.

This Act may be cited as the “Supplemental Appropriations Act, 2019”.

**SA 17.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting “February 8, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Operations and Support’ for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

“SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Procurement, Construction, and Improvements’ for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110-

161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141) shall apply during fiscal year 2019 to the amounts made available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors.

“SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Immigration and Customs Enforcement—Operations and Support’ for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States.

“SEC. 140. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

“SEC. 141. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

“SEC. 142. (a) If a State (or another Federal grantee) used State funds (or the grantee's

non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

“(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

“(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

“(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, ‘to continue carrying out a Federal program’ means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

“(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts.”

SEC. 102. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

**SA 18.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after section 1101 and insert the following:

#### TITLE XII—FURTHER CONTINUING APPROPRIATIONS

SEC. 1201. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting “February 8, 2019”; and

(2) by adding after section 136 the following:

“SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Operations and Support’ for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied

minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C. 58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

“SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for ‘U.S. Customs and Border Protection—Procurement, Construction, and Improvements’ for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110-161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141) shall apply during fiscal year 2019 to the amounts made available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors.

“SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for

fiscal year 2019 for ‘U.S. Immigration and Customs Enforcement—Operations and Support’ for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States.

“SEC. 140. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

“SEC. 141. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

“SEC. 142. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

“(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

“(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

“(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

“(b) For purposes of this section, the term ‘State’ and the term ‘grantee’ shall have the meaning as such term is defined under the applicable Federal program under subsection

(a). In addition, 'to continue carrying out a Federal program' means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

"(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts."

SEC. 1202. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.

This Act may be cited as the "Supplemental Appropriations Act, 2019".

**SA 19.** Mr. SHELBY submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

**DIVISION A—FURTHER ADDITIONAL CONTINUING APPROPRIATIONS ACT, 2019**

SEC. 101. The Continuing Appropriations Act, 2019 (division C of Public Law 115-245) is further amended—

(1) by striking the date specified in section 105(3) and inserting "February 8, 2019"; and

(2) by adding after section 136 the following:

"SEC. 137. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for 'U.S. Customs and Border Protection—Operations and Support' for necessary expenses of U.S. Customs and Border Protection for operations and support, including the transportation of unaccompanied minor aliens; the provision of air and marine support to Federal, State, and local agencies in the enforcement or administration of laws enforced by the Department of Homeland Security; at the discretion of the Secretary of Homeland Security, the provision of such support to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; the purchase and lease of up to 7,500 (6,500 for replacement only) police-type vehicles; the purchase, maintenance, or operation of marine vessels, aircraft, and unmanned aerial systems; and contracting with individuals for personal services abroad; \$12,289,046,000; of which \$3,274,000 shall be derived from the Harbor Maintenance Trust Fund for administrative expenses related to the collection of the Harbor Maintenance Fee pursuant to section 9505(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 9505(c)(3)) and notwithstanding section 1511(e)(1) of the Homeland Security Act of 2002 (6 U.S.C. 551(e)(1)); of which \$1,555,887,000 shall be available until September 30, 2020; and of which such sums as become available in the Customs User Fee Account, except sums subject to section 1303(f)(3) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (19 U.S.C.

58c(f)(3)), shall be derived from that account: *Provided*, That not to exceed \$34,425 shall be for official reception and representation expenses: *Provided further*, That not to exceed \$150,000 shall be available for payment for rental space in connection with preclearance operations: *Provided further*, That not to exceed \$1,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security.

"SEC. 138. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for 'U.S. Customs and Border Protection—Procurement, Construction, and Improvements' for necessary expenses of U.S. Customs and Border Protection for procurement, construction, and improvements, including procurements to buy marine vessels, aircraft, and unmanned aerial systems, \$7,334,672,000, of which \$193,326,000 shall remain available until September 30, 2021, and of which \$7,141,346,000 shall remain available until September 30, 2023, of which \$5,700,000,000 shall be available for purposes authorized by section 102 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104-208) as amended by section 564 of the Consolidated Appropriations Act, 2008 (Public Law 110-161), to include activities authorized under section 1103(b) of title 8, United States Code: *Provided*, That the conditions set forth in subsections (b) and (c) of section 230 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141) shall apply during fiscal year 2019 to the amounts made available in the clause preceding this proviso: *Provided further*, That not later than 180 days after the date of the enactment of the Further Additional Continuing Appropriations Act, 2019, the Secretary of Homeland Security shall submit to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Comptroller General of the United States an updated risk-based plan for improving security along the borders of the United States that includes the elements required under subsection (a) of section 231 of division F of the Consolidated Appropriations Act, 2018 (Public Law 115-141), which shall be evaluated in accordance with subsection (b) of such section: *Provided further*, That funds provided in this section may be used for roads, lighting, cameras, and sensors.

"SEC. 139. Notwithstanding any other provision of this Act, there is appropriated for fiscal year 2019 for 'U.S. Immigration and Customs Enforcement—Operations and Support' for necessary expenses of U.S. Immigration and Customs Enforcement for operations and support, including the purchase and lease of up to 3,790 (2,350 for replacement only) police-type vehicles; overseas vetted units; and maintenance, minor construction, and minor leasehold improvements at owned and leased facilities; \$8,447,855,000; of which \$6,000,000 shall remain available until expended to enforce laws against forced child labor; of which \$13,700,000 shall remain available until September 30, 2020; of which not less than \$15,000,000 shall be available for investigation of intellectual property rights violations, including operation of the National Intellectual Property Rights Coordination Center; of which not less than \$9,000,000 shall be available for facilities repair and maintenance projects; of which not less than \$84,000,000 shall be available for vehicle fleet recapitalization; and of which not less than \$4,989,158,000 shall be for enforcement, detention, and removal operations, including transportation of unaccompanied minor aliens: *Provided*, That not to exceed \$11,475 shall be for official reception and representation expenses: *Provided further*, That

not to exceed \$10,000,000 shall be available until expended for conducting special operations under section 3131 of the Customs Enforcement Act of 1986 (19 U.S.C. 2081): *Provided further*, That not to exceed \$2,000,000 shall be for awards of compensation to informants, to be accounted for solely under the certificate of the Secretary of Homeland Security: *Provided further*, That not to exceed \$11,216,000 shall be available to fund or reimburse other Federal agencies for the costs associated with the care, maintenance, and repatriation of smuggled aliens unlawfully present in the United States.

"SEC. 140. Amounts made available in this Act for personnel pay, allowances, and benefits in each department and agency shall be available for obligations incurred pursuant to 31 U.S.C. 1341.

"SEC. 141. All obligations incurred and in anticipation of the appropriations made and authority granted by this Act for the purposes of maintaining the essential level of activity to protect life and property and bringing about orderly termination of Government function, and for purposes as otherwise authorized by law, are hereby ratified and approved if otherwise in accord with the provisions of this Act.

"SEC. 142. (a) If a State (or another Federal grantee) used State funds (or the grantee's non-Federal funds) to continue carrying out a Federal program or furloughed State employees (or the grantee's employees) whose compensation is advanced or reimbursed in whole or in part by the Federal Government—

"(1) such furloughed employees shall be compensated at their standard rate of compensation for such period;

"(2) the State (or such other grantee) shall be reimbursed for expenses that would have been paid by the Federal Government during such period had appropriations been available, including the cost of compensating such furloughed employees, together with interest thereon calculated under section 6503(d) of title 31, United States Code; and

"(3) the State (or such other grantee) may use funds available to the State (or the grantee) under such Federal program to reimburse such State (or the grantee), together with interest thereon calculated under section 6503(d) of title 31, United States Code.

"(b) For purposes of this section, the term 'State' and the term 'grantee' shall have the meaning as such term is defined under the applicable Federal program under subsection (a). In addition, 'to continue carrying out a Federal program' means the continued performance by a State or other Federal grantee, during the period of a lapse in appropriations, of a Federal program that the State or such other grantee had been carrying out prior to the period of the lapse in appropriations.

"(c) The authority under this section applies with respect to any period in fiscal year 2019 (not limited to periods beginning or ending after the date of the enactment of this Act) during which there occurs a lapse in appropriations with respect to any department or agency of the Federal Government which, but for such lapse in appropriations, would have paid, or made reimbursement relating to, any of the expenses referred to in this section with respect to the program involved. Payments and reimbursements under this authority shall be made only to the extent and in amounts provided in advance in appropriations Acts."

SEC. 102. For the purposes of division C of Public Law 115-245, the time covered by such division shall be considered to include the period which began on or about December 22, 2018, during which there occurred a lapse in appropriations.



This division may be cited as the “Further Additional Continuing Appropriations Act, 2019”.

# **DIVISION B—ADDITIONAL SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF, 2019**

The following sums in this division are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2019, and for other purposes, namely:

## **TITLE I**

### **DEPARTMENT OF AGRICULTURE AGRICULTURAL PROGRAMS PROCESSING, RESEARCH AND MARKETING OFFICE OF THE SECRETARY**

For an additional amount for the “Office of the Secretary”, \$3,005,442,000, which shall remain available until December 31, 2020, for necessary expenses related to losses of crops (including milk and harvested adulterated wine grapes), trees, bushes, and vines, as a consequence of Hurricanes Michael or Florence, other hurricanes, typhoons, volcanic activity, or wildfires occurring in calendar year 2018 under such terms and conditions as determined by the Secretary: *Provided*, That the Secretary may provide assistance for such losses in the form of block grants to eligible states and territories and such assistance may include compensation to producers, as determined by the Secretary, for past or future crop insurance premiums, forest restoration, and poultry and livestock losses: *Provided further*, That of the amounts provided under this heading, tree assistance payments may be made under section 1501(e) of the Agricultural Act of 2014 (7 U.S.C. 9081(e)) to eligible orchardists or nursery tree growers (as defined in such section) of pecan trees with a tree mortality rate that exceeds 7.5 percent (adjusted for normal mortality) and is less than 15 percent (adjusted for normal mortality), to be available until expended, for losses incurred during the period beginning January 1, 2018, and ending December 31, 2018: *Provided further*, That in the case of producers impacted by volcanic activity that resulted in the loss of crop land, or access to crop land, the Secretary shall consider all measures available, as appropriate, to bring replacement land into production: *Provided further*, That the total amount of payments received under this heading and applicable policies of crop insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or the Noninsured Crop Disaster Assistance Program (NAP) under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333) shall not exceed 90 percent of the loss as determined by the Secretary: *Provided further*, That the total amount of payments received under this heading for producers who did not obtain a policy or plan of insurance for an insurable commodity for the applicable crop year under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) for the crop incurring the losses or did not file the required paperwork and pay the service fee by the applicable State filing deadline for a noninsurable commodity for the applicable crop year under NAP for the crop incurring the losses shall not exceed 70 percent of the loss as determined by the Secretary: *Provided further*, That producers receiving payments under this heading, as determined by the Secretary, shall be required to purchase crop insurance where crop insurance is available for the next two available crop years, excluding tree insurance policies, and producers receiving payments under this heading shall be required to purchase coverage under NAP where crop insurance is not available in the next two available crop years, as determined by the Secretary: *Provided further*, That, not

later than 120 days after the end of fiscal year 2019, the Secretary shall submit a report to the Congress specifying the type, amount, and method of such assistance by state and territory: *Provided further*, That such amount is 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.

## **FARM SERVICE AGENCY**

### **EMERGENCY FOREST RESTORATION PROGRAM**

For an additional amount for the “Emergency Forest Restoration Program”, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$480,000,000, to remain available until expended: *Provided*, That such amount is 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.

### **NATURAL RESOURCES CONSERVATION SERVICE WATERSHED AND FLOOD PREVENTION OPERATIONS**

For an additional amount for “Watershed and Flood Prevention Operations”, for necessary expenses for the Emergency Watershed Protection Program related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$125,000,000, to remain available until expended: *Provided*, That such amount is 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.

## **RURAL DEVELOPMENT**

### **RURAL COMMUNITY FACILITIES PROGRAM ACCOUNT**

For an additional amount 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, for necessary expenses related to the consequences of Hurricanes Michael and Florence and wildfires occurring in calendar year 2018, and other natural disasters, \$150,000,000, to remain available until expended: *Provided*, 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: *Provided further*, That such amount is 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.

## **GENERAL PROVISIONS—THIS TITLE**

SEC. 101. In addition to amounts otherwise made available, out of the funds made available under section 18 of Food and Nutrition Act of 2008, \$25,200,000 shall be available for the Secretary to provide a grant to the Commonwealth of the Northern Mariana Islands for disaster nutrition assistance in response to the Presidentially declared major disasters and emergencies: *Provided*, That funds made available to the Commonwealth of the Northern Mariana Islands under this section shall remain available for obligation by the Commonwealth until September 30, 2020: *Provided further*, That such amount is 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.

SEC. 102. For purposes of administering title I of subdivision 1 of division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), losses to agricultural producers result-

ing from hurricanes shall also include losses incurred from Tropical Storm Cindy and losses of peach and blueberry crops in calendar year 2017 due to extreme cold: *Provided*, That the amounts provided by this section 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: *Provided further*, That amounts repurposed under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 103. (a)(1) Except as provided in paragraph (2), a person or legal entity is not eligible to receive a payment under the Market Facilitation Program established pursuant to the Commodity Credit Corporation Charter Act (15 U.S.C. 714 et seq.) if the average adjusted gross income of such person or legal entity is greater than \$900,000.

(2) Paragraph (1) shall not apply to a person or legal entity if at least 75 percent of the adjusted gross income of such person or legal entity is derived from farming, ranching, or forestry related activities.

(b) A person or legal entity may not receive a payment under the Market Facilitation Program described in subsection (a)(1), directly or indirectly, of more than \$125,000.

(c) In this section, the term “average adjusted gross income” has the meaning given the term defined in section 760.1502 of title 7 Code of Federal Regulations (as in effect July 18, 2018).

(d) The amount provided by this section is 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.

## **TITLE II**

### **DEPARTMENT OF COMMERCE**

#### **ECONOMIC DEVELOPMENT ADMINISTRATION**

#### **ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS**

#### **(INCLUDING TRANSFERS OF FUNDS)**

Pursuant to section 703 of the Public Works and Economic Development Act (42 U.S.C. 3233), for an additional amount for “Economic Development Assistance Programs” for necessary expenses related to flood mitigation, disaster relief, long-term recovery, and restoration of infrastructure in areas that received a major disaster designation as a result of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and of wildfires, volcanic eruptions, earthquakes, and other natural disasters occurring in calendar year 2018 under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), \$600,000,000, to remain available until expended: *Provided*, That such amount is 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: *Provided further*, That within the amount appropriated, up to 2 percent of funds may be transferred to the “Salaries and Expenses” account for administration and oversight activities: *Provided further*, That within the amount appropriated, \$1,000,000 shall be transferred to the “Office of Inspector General” account for carrying out investigations and audits related to the funding provided under this heading.

NATIONAL OCEANIC AND ATMOSPHERIC  
ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities" for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoon Yutu, and of wildfires, \$120,570,000, to remain available until September 30, 2020, as follows:

(1) \$3,000,000 for repair and replacement of observing assets, real property, and equipment;

(2) \$11,000,000 for marine debris assessment and removal;

(3) \$31,570,000 for mapping, charting, and geodesy services;

(4) \$25,000,000 to improve: (a) hurricane intensity forecasting, including through deployment of unmanned ocean observing platforms and enhanced data assimilation; (b) flood prediction, forecasting, and mitigation capabilities; and (c) wildfire prediction, detection, and forecasting; and

(5) \$50,000,000 for Title IX Fund grants as authorized under section 906(c) of division O of Public Law 114-113:

*Provided*, That such amount is 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: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate for funding provided under subsection (4) of this heading within 45 days after the date of enactment of this division.

PROCUREMENT, ACQUISITION AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", \$25,000,000, to remain available until September 30, 2021, for improvements to operational and research weather supercomputing infrastructure and satellite ground services used for hurricane intensity and track prediction; flood prediction, forecasting, and mitigation; and wildfire prediction, detection, and forecasting: *Provided*, That such amount is 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: *Provided further*, That the National Oceanic and Atmospheric Administration shall submit a spending plan to the Committees on Appropriations of the House of Representatives and the Senate within 45 days after the date of enactment of this division.

FISHERIES DISASTER ASSISTANCE

For an additional amount for "Fisheries Disaster Assistance" for necessary expenses associated with the mitigation of fishery disasters, \$150,000,000, to remain available until expended: *Provided*, That funds shall be used for mitigating the effects of commercial fishery failures and fishery resource disasters declared by the Secretary of Commerce, including those declared by the Secretary to be a direct result of Hurricanes Florence and Michael and Typhoons Yutu and Mangkhut: *Provided further*, That such amount is 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.

DEPARTMENT OF JUSTICE

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$1,336,000: *Provided*, That such amount is 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.

FEDERAL PRISON SYSTEM

BUILDINGS AND FACILITIES

For an additional amount for "Buildings and Facilities" for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoon Yutu, \$28,400,000, to remain available until expended: *Provided*, That such amount is 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.

RELATED AGENCIES

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES  
CORPORATION

For an additional amount for "Payment to the Legal Services Corporation" to carry out the purposes of the Legal Services Corporation Act by providing for necessary expenses related to the consequences of Hurricanes Florence, Michael, and Lane, Typhoons Yutu and Mangkhut, and calendar year 2018 wildfires, volcanic eruptions, and earthquakes, \$15,000,000: *Provided*, That such amount is 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: *Provided further*, That none of the funds appropriated in this division 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 division 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 2018 and 2019, respectively, and except that sections 501 and 503 of Public Law 104-134 (referenced by Public Law 105-119) shall not apply to the amount made available under this heading: *Provided further*, That, for the purposes of this division, the Legal Services Corporation shall be considered an agency of the United States Government.

TITLE III

DEPARTMENT OF DEFENSE

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$200,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence: *Provided*, That such amount is 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.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$400,000,000, for necessary expenses related to the consequences of Hurricanes Michael and Florence: *Provided*, That such amount is 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.

TITLE IV

CORPS OF ENGINEERS—CIVIL

DEPARTMENT OF THE ARMY

INVESTIGATIONS

For an additional amount for "Investigations" for necessary expenses related to the completion, or initiation and completion, of flood and storm damage reduction, including

shore protection, studies which are currently authorized or which are authorized after the date of enactment of this division, to reduce risk from future floods and hurricanes, at full Federal expense, \$35,000,000, to remain available until expended, for high priority studies of projects in States and insular areas that were impacted by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and Tropical Storm Gita: *Provided*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House and the Senate detailing the allocation and obligation of these funds, including new studies selected to be initiated using funds provided under this heading, beginning not later than 60 days after the date of enactment of this division.

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses, \$740,000,000, to remain available until expended, to construct flood and storm damage reduction, including shore protection, projects which are currently authorized or which are authorized after the date of enactment of this division, and flood and storm damage reduction, including shore protection, projects which have signed Chief's Reports as of the date of enactment of this division or which are studied using funds provided under the heading "Investigations" if the Secretary determines such projects to be technically feasible, economically justified, and environmentally acceptable, in States and insular areas that were impacted by Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and Tropical Storm Gita: *Provided*, That projects receiving funds provided under the first proviso in "Title IV—Corps of Engineers—Civil—Department of the Army—Construction" in Public Law 115-123 shall not be eligible for funding provided under this heading: *Provided further*, That for projects receiving funds provided under this heading, the provisions of Section 902 of the Water Resources Act of 1986 shall not apply to these funds: *Provided further*, That the completion of ongoing construction projects receiving funds provided under this heading shall be at full Federal expense with respect to such funds: *Provided further*, That using funds provided under this heading, the non-Federal cash contribution for projects other than ongoing construction projects shall be financed in accordance with the provisions of section 103(k) of Public Law 99-662 over a period of 30 years from the date of completion of the project or separable element: *Provided further*, That up to \$25,000,000 of the funds made available under this heading shall be used for continuing authorities projects to reduce the risk of flooding and storm damage: *Provided further*, That any projects using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring, where applicable, the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors: *Provided further*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

#### MISSISSIPPI RIVER AND TRIBUTARIES

For an additional amount for “Mississippi River and Tributaries” for necessary expenses to address emergency situations at Corps of Engineers projects and rehabilitate and repair damages to Corps of Engineers projects, caused by natural disasters, \$225,000,000, to remain available until expended: *Provided*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

#### OPERATION AND MAINTENANCE

For an additional amount for “Operation and Maintenance” for necessary expenses to dredge Federal navigation projects in response to, and repair damages to Corps of Engineers Federal projects caused by, natural disasters, \$245,000,000, to remain available until expended, of which such sums as are necessary to cover the Federal share of eligible operation and maintenance costs for coastal harbors and channels, and for inland harbors shall be derived from the Harbor Maintenance Trust Fund: *Provided*, That such amount is 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: *Provided further*, That the Assistant Secretary of the Army for Civil Works shall provide a monthly report directly to the Committees on Appropriations of the House of Representatives and the Senate detailing the allocation and obligation of these funds, beginning not later than 60 days after the date of enactment of this division.

#### DEPARTMENT OF THE INTERIOR

##### CENTRAL UTAH PROJECT

##### CENTRAL UTAH PROJECT COMPLETION ACCOUNT

For an additional amount for “Central Utah Project Completion Account”, \$350,000, to be deposited into the Utah Reclamation Mitigation and Conservation Account for use by the Utah Reclamation Mitigation and Conservation Commission, to remain available until expended, for expenses necessary in carrying out fire remediation activities related to wildfires in 2018: *Provided*, That such amount is 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.

##### BUREAU OF RECLAMATION

##### WATER AND RELATED RESOURCES

For an additional amount for “Water and Related Resources”, \$15,500,000, to remain available until expended, for fire remediation and suppression emergency assistance related to wildfires in 2017 and 2018: *Provided*, That such amount is 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.

#### TITLE V

#### DEPARTMENT OF HOMELAND SECURITY SECURITY, ENFORCEMENT, AND INVESTIGATIONS

##### COAST GUARD

##### OPERATIONS AND SUPPORT

For an additional amount for “Operations and Support” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$46,977,000, to remain available until September 30, 2020: *Provided*, That such amount is 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.

##### PROCUREMENT, CONSTRUCTION, AND IMPROVEMENTS

For an additional amount for “Procurement, Construction, and Improvements” for necessary expenses related to the consequences of Hurricanes Michael, Florence, and Lane, Tropical Storm Gordon, and Typhoon Mangkhut, \$476,755,000, to remain available until September 30, 2023: *Provided*, That such amount is 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.

##### ENVIRONMENTAL COMPLIANCE AND RESTORATION

For an additional amount for “Environmental Compliance and Restoration” for necessary expenses related to the consequences of Hurricanes Michael and Florence, \$2,000,000, to remain available until September 30, 2023: *Provided*, That such amount is 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.

#### TITLE VI

#### DEPARTMENT OF THE INTERIOR

##### UNITED STATES FISH AND WILDLIFE SERVICE CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence, Lane, and Michael, and flooding associated with major declared disaster DR-4365, and calendar year 2018 earthquakes, \$82,400,000, to remain available until expended: *Provided*, That of this amount \$50,000,000 shall be used to restore and rebuild national wildlife refuges and increase the resiliency and capacity of coastal habitat and infrastructure to withstand storms and reduce the amount of damage caused by such storms: *Provided further*, That such amount is 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.

##### NATIONAL PARK SERVICE

##### HISTORIC PRESERVATION FUND

For an additional amount for the “Historic Preservation Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and Typhoon Yutu, \$50,000,000, to remain available until September 30, 2022, including costs to States and territories necessary to complete compliance activities required by section 306108 of title 54, United States Code (formerly section 106 of the National Historic Preservation Act) and costs needed to administer the program: *Provided*, That grants shall only be available for areas that have received a major disaster declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assist-

ance Act (42 U.S.C. 5121 et seq.): *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That such amount is 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.

##### CONSTRUCTION

For an additional amount for “Construction” for necessary expenses related to the consequences of Hurricanes Florence and Michael, Typhoons Yutu and Mangkhut, and calendar year 2018 wildfires, earthquakes, and volcanic eruptions, \$78,000,000, to remain available until expended: *Provided*, That such amount is 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.

##### UNITED STATES GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for “Surveys, Investigations, and Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and calendar year 2018 wildfires, earthquake damage associated with emergency declaration EM-3410, and in those areas impacted by a major disaster declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) with respect to calendar year 2018 wildfires or volcanic eruptions, \$98,500,000, to remain available until expended: *Provided*, That of this amount, \$72,310,000 is for costs related to the repair and replacement of equipment and facilities damaged by disasters in 2018: *Provided further*, That, not later than 90 days after enactment of this division, the Survey shall submit a report to the Committees on Appropriations that describes the potential options to replace the facility damaged by the 2018 volcano disaster along with cost estimates and a description of how the Survey will provide direct access for monitoring volcanic activity and the potential threat to at-risk communities: *Provided further*, That such amount is 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.

##### DEPARTMENTAL OFFICES

##### INSULAR AFFAIRS

##### ASSISTANCE TO TERRITORIES

For an additional amount for “Technical Assistance” for financial management expenses related to the consequences of Typhoon Yutu, \$2,000,000, to remain available until expended: *Provided*, That such amount is 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.

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses” for necessary expenses related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is 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.

##### ENVIRONMENTAL PROTECTION AGENCY SCIENCE AND TECHNOLOGY

For an additional amount for “Science and Technology” for necessary expenses related

to improving preparedness of the water sector, \$600,000, to remain available until expended: *Provided*, That such amount is 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.

#### LEAKING UNDERGROUND STORAGE TANK TRUST FUND PROGRAM

For an additional amount for “Leaking Underground Storage Tank Fund” for necessary expenses related to the consequences of Hurricanes Florence and Michael, calendar year 2018 earthquakes, and Typhoon Yutu, \$1,500,000, to remain available until expended: *Provided*, That such amount is 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.

#### STATE AND TRIBAL ASSISTANCE GRANTS

For additional amounts for “State and Tribal Assistance Grants” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and calendar year 2018 earthquakes for the hazardous waste financial assistance grants program, \$1,500,000, to remain available until expended; for necessary expenses related to the consequences of Typhoon Yutu for the hazardous waste financial assistance grants program and for other solid waste management activities, \$56,000,000, to remain available until expended, provided that none of these funds shall be subject to section 3011(b) of the Solid Waste Disposal Act; and for grants under section 106 of the Federal Water Pollution Control Act, \$5,000,000, to remain available until expended, to address impacts of Hurricane Florence, Hurricane Michael, Typhoon Yutu, and calendar year 2018 wildfires, notwithstanding subsections (b), (e), and (f), of such section: *Provided*, 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.

For an additional amount for “State and Tribal Assistance Grants”, \$349,400,000 to remain available until expended, of which \$53,300,000 shall be for capitalization grants for the Clean Water State Revolving Funds under title VI of the Federal Water Pollution Control Act, and of which \$296,100,000 shall be for capitalization grants under section 1452 of the Safe Drinking Water Act: *Provided*, That notwithstanding section 604(a) of the Federal Water Pollution Control Act and section 1452(a)(1)(D) of the Safe Drinking Water Act, funds appropriated herein shall be provided to States in EPA Regions 4, 9, and 10 in amounts determined by the Administrator for wastewater treatment works and drinking water facilities impacted by Hurricanes Florence and Michael, Typhoon Yutu, and calendar year 2018 wildfires and earthquakes: *Provided further*, That notwithstanding the requirements of section 603(i) of the Federal Water Pollution Control Act and section 1452(d) of the Safe Drinking Water Act, for the funds appropriated herein, each State shall use not less than 20 percent but not more than 30 percent amount of its capitalization grants to provide additional subsidization to eligible recipients in the form of forgiveness of principal, negative interest loans or grants or any combination of these: *Provided further*, That the Administrator shall retain \$10,400,000 of the funds appropriated herein for grants for drinking water facilities and waste water treatment plants impacted by Typhoon Yutu: *Provided further*, That the funds appropriated herein shall be used for eligible projects whose purpose is to reduce flood or fire damage risk and vulnerability or to enhance resiliency to rapid hydrologic change or natural disaster at treat-

ment works as defined by section 212 of the Federal Water Pollution Control Act or any eligible facilities under section 1452 of the Safe Drinking Water Act, and for other eligible tasks at such treatment works or facilities necessary to further such purposes: *Provided further*, That the Administrator of the Environmental Protection Agency may retain up to \$1,000,000 of the funds appropriated herein for management and oversight: *Provided further*, That such amount is 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.

#### RELATED AGENCIES

##### DEPARTMENT OF AGRICULTURE

###### FOREST SERVICE

###### FOREST AND RANGELAND RESEARCH

For an additional amount for “Forest and Rangeland Research” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$1,000,000, to remain available until expended for the forest inventory and analysis program: *Provided*, That such amount is 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.

###### STATE AND PRIVATE FORESTRY

For an additional amount for “State and Private Forestry” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$12,000,000, to remain available until expended: *Provided*, That such amount is 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.

###### NATIONAL FOREST SYSTEM

For an additional amount for “National Forest System” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$84,960,000, to remain available until expended: *Provided*, That of this amount \$21,000,000 shall be used for hazardous fuels management activities: *Provided further*, That such amount is 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.

###### CAPITAL IMPROVEMENT AND MAINTENANCE

For an additional amount for “Capital Improvement and Maintenance” for necessary expenses related to the consequences of Hurricanes Florence and Michael, and the calendar year 2018 wildfires, \$36,040,000, to remain available until expended: *Provided*, That such amount is 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.

###### WILDLAND FIRE MANAGEMENT

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Wildland Fire Management”, \$720,271,000, to remain available through September 30, 2022, for urgent wildland fire suppression operations: *Provided*, That such funds shall be solely available to be transferred to and merged with other appropriations accounts from which funds were previously transferred for wildland fire suppression in fiscal year 2018 to fully repay those amounts: *Provided further*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### NATIONAL INSTITUTES OF HEALTH

###### NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH SCIENCES

For an additional amount for “National Institute of Environmental Health Sciences” for necessary expenses 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 related to the consequences of major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) in 2018, \$1,000,000, to remain available until expended: *Provided*, That such amount is 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.

###### GENERAL PROVISION—THIS TITLE

SEC. 601. Not later than 45 days after the date of enactment of this division, the agencies receiving funds appropriated by this title shall provide a detailed operating plan of anticipated uses of funds made available in this title by State and Territory, and by program, project, and activity, to the Committees on Appropriations: *Provided*, That no such funds shall be obligated before the operating plans are provided to the Committees: *Provided further*, That such plans shall be updated, including obligations to date, and submitted to the Committees on Appropriations every 60 days until all such funds are expended.

#### TITLE VII

##### DEPARTMENT OF LABOR

###### EMPLOYMENT AND TRAINING ADMINISTRATION

###### TRAINING AND EMPLOYMENT SERVICES

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Training and Employment Services”, \$50,000,000, for the dislocated workers assistance national reserve for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 (referred to under this heading as “covered disaster or emergency”), to remain available through September 30, 2020: *Provided*, That the Secretary of Labor may transfer up to \$1,000,000 of such funds to any other Department of Labor account for reconstruction and recovery needs, including worker protection activities: *Provided further*, That these sums may be used to replace grant funds previously obligated to the impacted areas: *Provided further*, That of the amount provided, up to \$500,000, to remain available until expended, shall be transferred to “Office of Inspector General” for oversight of activities responding to such covered disaster or emergency: *Provided further*, That such amount is 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.

##### DEPARTMENT OF HEALTH AND HUMAN SERVICES

###### ADMINISTRATION FOR CHILDREN AND FAMILIES CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for “Children and Families Services Programs”, \$80,000,000, to remain available through September 30, 2021, for Head Start programs, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut and Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 in those areas for which a

major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191), including making payments under the Head Start Act: *Provided*, That none of the funds appropriated in this paragraph shall be included in the calculation of the “base grant” in subsequent fiscal years, as such term is defined in sections 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph are not subject to the allocation requirements of section 640(a) of the Head Start Act: *Provided further*, That funds appropriated in this paragraph shall not be available for costs that are reimbursed by the Federal Emergency Management Agency, under a contract for insurance, or by self-insurance: *Provided further*, That up to \$2,000,000 shall be available for Federal administrative expenses: *Provided further*, That obligations incurred for the purposes provided herein prior to the date of enactment of this division may be charged to funds appropriated under this heading: *Provided further*, That such amount is 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.

## OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES  
EMERGENCY FUND

## (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for the “Public Health and Social Services Emergency Fund”, \$166,000,000, to remain available through September 30, 2020, for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut and Super Typhoon Yutu, and wildfires or earthquakes occurring in 2018 in those areas for which a major disaster or emergency has been declared under sections 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as “covered disaster or emergency”), including activities authorized under section 319(a) of the Public Health Service Act (referred to in this division as the “PHS Act”): *Provided*, That of the amount provided, \$45,000,000 shall be transferred to “Health Resources and Services Administration—Primary Health Care” for expenses directly related to a covered disaster or emergency for disaster response and recovery, for the Health Centers Program under section 330 of the PHS Act, including alteration, renovation, construction, equipment, and other capital improvement costs as necessary to meet the needs of areas affected by a covered disaster or emergency: *Provided further*, That the time limitation in section 330(e)(3) of the PHS Act shall not apply to funds made available under the preceding proviso: *Provided further*, That of the amount provided, not less than \$20,000,000 shall be transferred to “Centers for Disease Control and Prevention—CDC-Wide Activities and Program Support” for response, recovery, mitigation, and other expenses directly related to a covered disaster or emergency: *Provided further*, That of the amount provided, not less than \$100,000,000 shall be transferred to “Substance Abuse and Mental Health Services Administration—Health Surveillance and Program Support” for grants, contracts, and cooperative agreements for behavioral health treatment, crisis counseling, treatment of substance use disorders, and other related helplines, and for other similar programs to provide support to individuals impacted by a covered disaster or emergency: *Provided further*, That of the amount provided, up to \$1,000,000, to remain

available until expended, shall be transferred to “Office of the Secretary—Office of Inspector General” for oversight of activities responding to such hurricanes, typhoons, and wildfires: *Provided further*, That such amount is 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.

## DEPARTMENT OF EDUCATION

## HURRICANE EDUCATION RECOVERY

## (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Hurricane Education Recovery” for necessary expenses directly related to the consequences of Hurricanes Florence and Michael, Typhoon Mangkhut, Super Typhoon Yutu, and wildfires, earthquakes, or volcanic eruptions in 2018 in those areas for which a major disaster or emergency has been declared under section 401 or 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) (referred to under this heading as a “covered disaster or emergency”), \$165,000,000, to remain available through September 30, 2021: *Provided*, That such amount is 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: *Provided further*, That such assistance may be provided through any of the programs authorized under this heading in division B of title VIII of Public Law 115–123 (as amended by Public Law 115–141), as determined by the Secretary of Education, and subject to the terms and conditions that applied to those programs, except that references to dates and school years in Public Law 115–123 shall be deemed to be the corresponding dates and school years for the covered disaster or emergency: *Provided further*, That the Secretary of Education may determine the amounts to be used for each such program and shall notify the Committees on Appropriations of the House of Representatives and the Senate of these amounts not later than 7 days prior to obligation: *Provided further*, That \$2,000,000 of the funds made available under this heading, to remain available until expended, shall be transferred to the Office of the Inspector General of the Department of Education for oversight of activities supported with funds appropriated under this heading, and up to \$1,000,000 of the funds made available under this heading shall be for program administration.

## GENERAL PROVISIONS—THIS TITLE

SEC. 701. Not later than 30 days after the date of enactment of this division, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations: *Provided*, That such plans shall be updated and submitted to the Committees on Appropriations every 60 days until all funds are expended or expire.

SEC. 702. Unless otherwise provided for by this title, the additional amounts appropriated by this title to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

## TITLE VIII

## LEGISLATIVE BRANCH

## GOVERNMENT ACCOUNTABILITY OFFICE

## SALARIES AND EXPENSES

For an additional amount for “Salaries and Expenses”, \$10,000,000, to remain available until expended, for audits and investigations related to Hurricanes Florence, Lane, and Michael, Typhoons Yutu and Mangkhut,

the calendar year 2018 wildfires, earthquakes, and volcano eruptions, and other disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That, not later than 90 days after the date of enactment of this division, the Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and the Senate a spend plan specifying funding estimates for audits and investigations of any such declared disasters occurring in 2018 and identifying funding estimates or carryover balances, if any, that may be available for audits and investigations of any other such declared disasters: *Provided further*, That such amount is 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.

## TITLE IX

## DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION, NAVY AND MARINE  
CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, \$115,000,000, to remain available until September 30, 2023, for planning and design related to the consequences of Hurricanes Florence and Michael on Navy and Marine Corps installations: *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 division, the Secretary of the Navy, or his 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: *Provided further*, That such amount is 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.

## MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, \$700,000,000, to remain available until September 30, 2023, for planning and design, and construction expenses related to the consequences of Hurricane Michael: *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 basing plan and future mission requirements for installations significantly damaged by Hurricane Michael: *Provided further*, That, not later than 60 days after enactment of this division, the Secretary of the Air Force, or his 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: *Provided further*, That such amount is 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.

MILITARY CONSTRUCTION, ARMY NATIONAL  
GUARD

For an additional amount for “Military Construction, Army National Guard”, \$42,400,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael: *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 form 1391 for each specific request:

*Provided further*, That, not later than 60 days after enactment of this division, the Director of the Army National Guard, or his 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: *Provided further*, That such funds may be obligated or expended for planning and design and military construction projects not otherwise authorized by law: *Provided further*, That such amount is 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.

#### DEPARTMENT OF VETERANS AFFAIRS

##### VETERANS HEALTH ADMINISTRATION

###### MEDICAL FACILITIES

###### (INCLUDING TRANSFER OF FUNDS)

For an additional amount for “Medical Facilities”, \$3,000,000, to remain available until September 30, 2023, for necessary expenses related to the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu: *Provided*, That the Secretary of Veterans Affairs, upon determination that such action is necessary to address needs as a result of the consequences of Hurricanes Florence and Michael and Typhoons Mangkhut and Yutu, may transfer such funds to any discretionary account of the Department of Veterans Affairs: *Provided further*, That before a transfer may take place, the Secretary of Veterans Affairs shall submit notice thereof to the Committee on Appropriations of the House of Representatives and the Senate: *Provided further*, That none of these funds shall be available for obligation until the Secretary of Veterans Affairs submits to the Committees on Appropriations of the House of Representatives and the Senate a detailed expenditure plan for funds provided under this heading: *Provided further*, That such amount is 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.

#### TITLE X

##### DEPARTMENT OF TRANSPORTATION

###### FEDERAL TRANSIT ADMINISTRATION

###### PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM

For an additional amount for the “Public Transportation Emergency Relief Program” as authorized under section 5324 of title 49, United States Code, \$10,542,000 to remain available until expended, for transit systems affected by major declared disasters occurring in calendar year 2018: *Provided*, That not more than three-quarters of 1 percent of the funds for public transportation emergency relief shall be available for administrative expenses and ongoing program management oversight as authorized under sections 5334 and 5338(f)(2) of such title and shall be in addition to any other appropriations for such purpose: *Provided further*, That such amount is 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.

###### FEDERAL AVIATION ADMINISTRATION

###### OPERATIONS

###### (AIRPORT AND AIRWAY TRUST FUND)

Of the amounts made available for “Federal Aviation Administration—Operations” in division B of the Bipartisan Budget Act of 2018 (Public Law 115-123), up to \$18,000,000 shall also be available for necessary expenses related to the consequences of major declared disasters occurring in calendar year 2018: *Provided*, That amounts repurposed

under this heading that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

###### FEDERAL HIGHWAY ADMINISTRATION

###### EMERGENCY RELIEF PROGRAM

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, \$1,650,000,000, to remain available until expended: *Provided*, That such amount is 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.

##### DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

###### COMMUNITY PLANNING AND DEVELOPMENT

###### COMMUNITY DEVELOPMENT FUND

###### (INCLUDING TRANSFERS OF FUNDS)

For an additional amount for “Community Development Fund”, \$1,060,000,000, to remain available until expended, for necessary expenses for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster that occurred in 2018 pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided*, That funds shall be awarded directly to the State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974) at the discretion of the Secretary: *Provided further*, That any funds made available under this heading and under the same heading in Public Law 115-254 that remain available, after the funds under such headings have been allocated for necessary expenses for activities authorized under such headings, shall be allocated to grantees, for mitigation activities in the most impacted and distressed areas resulting from a major disaster that occurred in 2018: *Provided further*, That such allocations shall be made in the same proportion that the amount of funds each grantee received under this division and the same heading in division I of Public Law 115-254 bears to the amount of all funds provided to all grantees that received allocations for disasters that occurred in 2018: *Provided further*, That of the amounts made available under the text preceding the first proviso under this heading and under the same heading in Public Law 115-254, the Secretary shall allocate to all such grantees an aggregate amount not less than 33 percent of the sum of such amounts of funds within 120 days after the enactment of this division based on the best available data, and shall allocate no less than 100 percent of such funds by no later than 180 days after the enactment of this division: *Provided further*, That the Secretary shall not prohibit the use of funds made available under this heading and the same heading in Public Law 115-254 for non-Federal share as authorized by section 105(a)(9) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(9)): *Provided further*, That of the amounts made available under this heading, grantees may establish grant programs to assist small businesses for working capital purposes to aid in recovery: *Provided further*, That as a condition of making any grant, the Secretary shall certify in advance that such grantee has in place proficient financial con-

trols and procurement processes and has established adequate procedures to prevent any duplication of benefits as defined by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), to ensure timely expenditure of funds, to maintain comprehensive websites regarding all disaster recovery activities assisted with these funds, and to detect and prevent waste, fraud, and abuse of funds: *Provided further*, That with respect to any such duplication of benefits, the Secretary shall act in accordance with section 1210 of Public Law 115-254 (132 Stat. 3442) and section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155): *Provided further*, That the Secretary shall require grantees to maintain on a public website information containing common reporting criteria established by the Department that permits individuals and entities awaiting assistance and the general public to see how all grant funds are used, including copies of all relevant procurement documents, grantee administrative contracts and details of ongoing procurement processes, as determined by the Secretary: *Provided further*, That prior to the obligation of funds a grantee shall submit a plan to the Secretary for approval detailing the proposed use of all funds, including criteria for eligibility and how the use of these funds will address long-term recovery and restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas: *Provided further*, That such funds may not be used for activities reimbursed by, or for which funds have been made available by, the Federal Emergency Management Agency or the Army Corps of Engineers, in excess of the authorized amount of the project or its components: *Provided further*, That funds allocated under this heading shall not be considered relevant to the non-disaster formula allocations made pursuant to section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306): *Provided further*, That a State, unit of general local government, or Indian tribe may use up to 5 percent of its allocation for administrative costs: *Provided further*, That the first proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115-254) is amended by striking “State or unit of general local government” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That the sixth proviso under this heading in the Supplemental Appropriations for Disaster Relief Requirements Act, 2018 (division I of Public Law 115-254) is amended by striking “State or subdivision thereof” and inserting “State, unit of general local government, or Indian tribe (as such term is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302))”: *Provided further*, That in administering the funds under this heading, the Secretary of Housing and Urban Development may waive, or specify alternative requirements for, any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or the use by the recipient of these funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment), if the Secretary finds that good cause exists for the waiver or alternative requirement and such waiver or alternative requirement would not be inconsistent with the overall purpose of title I of the Housing and Community Development Act of 1974: *Provided further*, That, notwithstanding the preceding proviso, recipients of funds provided under this heading



that use such funds to supplement Federal assistance provided under section 402, 403, 404, 406, 407, 408 (c)(4), or 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) may adopt, without review or public comment, any environmental review, approval, or permit performed by a Federal agency, and such adoption shall satisfy the responsibilities of the recipient with respect to such environmental review, approval or permit: *Provided further*, That, notwithstanding section 104(g)(2) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)(2)), the Secretary may, upon receipt of a request for release of funds and certification, immediately approve the release of funds for an activity or project assisted under this heading if the recipient has adopted an environmental review, approval or permit under the preceding proviso or the activity or project is categorically excluded from review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.): *Provided further*, That the Secretary shall publish via notice in the Federal Register any waiver, or alternative requirement, to any statute or regulation that the Secretary administers pursuant to title I of the Housing and Community Development Act of 1974 no later than 5 days before the effective date of such waiver or alternative requirement: *Provided further*, That of the amounts made available under this heading, up to \$5,000,000 shall be made available for capacity building and technical assistance, including assistance on contracting and procurement processes, to support States, units of general local government, or Indian tribes (and their subrecipients) that receive allocations pursuant to this heading, received disaster recovery allocations under the same heading in Public Law 115-254, or may receive similar allocations for disaster recovery in future appropriations Acts: *Provided further*, That of the amounts made available under this heading and under the same heading in Public Law 115-254, up to \$2,500,000 shall be transferred, in aggregate, to “Department of Housing and Urban Development—Program Office Salaries and Expenses—Community Planning and Development” for necessary costs, including information technology costs, of administering and overseeing the obligation and expenditure of amounts under this heading: *Provided further*, That the amount specified in the preceding proviso shall be combined with funds appropriated under the same heading and for the same purpose in Public Law 115-254 and the aggregate of such amounts shall be available for any of the same such purposes specified under this heading or the same heading in Public Law 115-254 without limitation: *Provided further*, That such amount is 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.

#### GENERAL PROVISION—THIS TITLE

SEC. 1001. (a) Amounts previously made available for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas resulting from a major disaster, including funds provided under section 145 of division C of Public Law 114-223, section 192 of division C of Public Law 114-223 (as added by section 101(3) of division A of Public Law 114-254), section 421 of division K of Public Law 115-31, and any mitigation funding provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development

Fund” of Public Law 115-123, that were allocated in response to Hurricane Matthew, may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Florence. In addition, any funds provided under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” in this division or in division I of Public Law 115-254 that are allocated in response to Hurricane Florence may be used interchangeably and without limitation for the same activities in the most impacted and distressed areas related to Hurricane Matthew. Until HUD publishes the Federal Register Notice implementing this provision, grantees may submit for HUD approval revised plans for the use of funds related to Hurricane Matthew that expand the eligible beneficiaries of existing programs contained in such previously approved plans to include those impacted by Hurricane Florence. Approval of any such revised plans shall include the execution of revised grant terms and conditions as necessary. Once the implementing Notice is published, any additional action plan revisions shall follow the requirements contained therein.

(b) Amounts made available for administrative costs for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation in the most impacted and distressed areas under this division or any future Act, and amounts previously provided under section 420 of division L of Public Law 114-113, section 145 of division C of Public Law 114-223, section 192 of division C of Public Law 114-223 (as added by section 101(3) of division A of Public Law 114-254), section 421 of division K of Public Law 115-31, and under the heading “Department of Housing and Urban Development—Community Planning and Development—Community Development Fund” of division B of Public Law 115-56, Public Law 115-123, and Public Law 115-254, shall be available for eligible administrative costs of the grantee related to any disaster relief funding identified in this subsection without regard to the particular disaster appropriation from which such funds originated.

(c) The additional uses pursuant to this section for amounts that were previously designated by the Congress, respectively, as an emergency requirement or as being for disaster relief pursuant to the Balanced Budget and Emergency Deficit Control Act are designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 or as being for disaster relief pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985.

#### TITLE XI

##### GENERAL PROVISIONS—THIS DIVISION

SEC. 1101. Each amount appropriated or made available by this division is in addition to amounts otherwise appropriated for the fiscal year involved.

SEC. 1102. No part of any appropriation contained in this division shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 1103. Unless otherwise provided for by this division, the additional amounts appropriated by this division to appropriations accounts shall be available under the authorities and conditions applicable to such appropriations accounts for fiscal year 2019.

SEC. 1104. Each amount designated in this division 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 shall be available (or rescinded or transferred, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

SEC. 1105. For purposes of this division, the consequences or impacts of any hurricane shall include damages caused by the storm at any time during the entirety of its duration as a cyclone, as defined by the National Hurricane Center.

SEC. 1106. Any amount appropriated by this division, designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 and subsequently so designated by the President, and transferred pursuant to transfer authorities provided by this division shall retain such designation.

This division may be cited as the “Additional Supplemental Appropriations for Disaster Relief, 2019”.

**SA 20.** Mr. JOHNSON submitted an amendment intended to be proposed by him to the bill H.R. 268, making supplemental appropriations for the fiscal year ending September 30, 2019, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, line 3, strike “the following sums” and all that follows through page 66, line 17, and insert the following:

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Shutdown Fairness Act”.

#### SEC. 2. DEFINITIONS.

In this Act—

(1) the term “agency”—

(A) means each authority of the legislative and judicial branch of the Government of the United States; and

(B) with respect to the executive branch of the Government of the United States, has the meaning given the term “Executive agency” in section 105 of title 5, United States Code, except that the term shall include the United States Postal Service and the Postal Regulatory Commission;

(2) the term “covered individual” means—

(A) an excepted employee; and

(B) a qualified contract employee;

(3) the term “excepted employee” means an employee, as that term is defined in section 2105 of title 5, United States Code, who, during a specified period of time, the head of the agency that employs the employee determines to be performing work as an excepted employee or an employee performing emergency work, as those terms are defined by the Office of Personnel Management; and

(4) the term “qualified contract employee” means an individual performing work under a contract who—

(A) provides support to an excepted employee; and

(B) is required to perform work during a lapse in appropriations, as determined by the head of the agency with respect to which the contractor provides support.

#### SEC. 3. APPROPRIATIONS.

(a) IN GENERAL.—There are appropriated for the fiscal year ending September 30, 2019, out of any money in the Treasury not otherwise appropriated, for any period during which interim or full-year appropriations for that fiscal year are not in effect, such sums as are necessary to provide pay, allowances, and benefits for which a covered individual is otherwise eligible.

(b) APPLICABILITY.—Paragraphs (2) and (3) of section 1341(c) of title 31, United States Code, shall not apply with respect to a covered individual that is covered under subsection (a).

(c) **PARTIAL HOURS.**—If a covered individual performs work covered under subsection (a) for some, but not all, hours in the established work schedule of the covered individual in a pay period, the covered individual shall be placed in a furlough status or other appropriate nonpay status for all hours in that schedule that are not covered under that subsection.

(d) **RULE OF CONSTRUCTION.**—Nothing in subsection (a) may be construed to permit a covered individual to which that subsection applies to be placed in paid leave or other paid time off status during an applicable lapse in appropriations.

#### SEC. 4. RETROACTIVITY AND TERMINATION.

(a) **IN GENERAL.**—Subject to subsection (b), appropriations and funds made available and authority granted under this Act shall be available until whichever of the following first occurs:

(1) The enactment into law of an appropriation (including a continuing appropriation) for any purpose for which amounts are made available under section 3.

(2) The enactment into law of the applicable regular or continuing appropriations resolution or other Act without any appropriation for such purpose.

(3) September 30, 2019.

(b) **SUBSEQUENT LAPSES.**—Appropriations made available under section 3 may not be obligated during any period during which continuing appropriations for any purpose for which amounts are made available under section 3 are in effect.

#### SEC. 5. APPLICABILITY TO APPROPRIATION ACTS.

Appropriations made available under section 3 shall be available to the extent and in the manner that would be provided by the pertinent appropriations Act.

#### SEC. 6. CHARGE TO FUTURE APPROPRIATIONS.

Expenditures made pursuant to this Act shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

The PRESIDING OFFICER. The majority leader is recognized.

#### ORDERS FOR THURSDAY, JANUARY 24, 2019

Mr. McCONNELL. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m., Thursday, January 24; 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, and morning business be closed; finally, that following leader remarks, the time until 12:30 p.m. be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. McCONNELL. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 2:05 p.m., adjourned until Thursday, January 24, 2019, at 11 a.m.

#### NOMINATIONS

Executive nominations received by the Senate:

##### DEPARTMENT OF DEFENSE

LISA M. SCHENCK, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF MILITARY COMMISSION REVIEW. (NEW POSITION)

##### THE JUDICIARY

ROSSIE DAVID ALSTON, JR., OF VIRGINIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF VIRGINIA, VICE GERALD BRUCE LEE, RETIRED.

ROY KALMAN ALTMAN, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE JOAN A. LENARD, RETIRED.

RAUL M. ARIAS-MARQUACH, OF PUERTO RICO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF PUERTO RICO, VICE JOSE ANTONIO FUSTE, RETIRED.

BRIDGET S. BADE, OF ARIZONA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE BARRY G. SILVERMAN, RETIRED.

M. MILLER BAKER, OF LOUISIANA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE DONALD C. POGUE, RETIRED.

THOMAS P. BARBER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE JAMES D. WHITTEMORE, RETIRED.

PAMELA A. BARKER, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF OHIO, VICE DONALD C. NUGENT, RETIRED.

J. CAMPBELL BARKER, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE LEONARD E. DAVIS, RETIRED.

KENNETH D. BELL, OF NORTH CAROLINA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF NORTH CAROLINA, VICE RICHARD L. VOORHEES, RETIRED.

WENDY WILLIAMS BERGER, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF FLORIDA, VICE JOHN E. STEELE, RETIRED.

JOSEPH F. BIANCO, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE REENA RAGGI, RETIRED.

JEAN-PAUL BOULEE, OF GEORGIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF GEORGIA, VICE WILLIAM S. DUFFEY, JR., RETIRED.

HOLLY A. BRADY, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE JOSEPH S. VAN BOKKELEN, RETIRED.

ANDREW LYNN BRASHER, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE MIDDLE DISTRICT OF ALABAMA, VICE MARK E. FULLER, RESIGNED.

BRIAN C. BUESCHER, OF NEBRASKA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEBRASKA, VICE LAURIE SMITH CAMP, RETIRED.

JAMES DAVID CAIN, JR., OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF LOUISIANA, VICE PATRICIA HEAD MINALDI, RETIRED.

STEPHEN R. CLARK, SR., OF MISSOURI, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MISSOURI, VICE CAROL E. JACKSON, RETIRED.

CLIFTON L. CORKER, OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TENNESSEE, VICE J. RONNIE GREER, RETIRED.

DANIEL DESMOND DOMENICO, OF COLORADO, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLORADO, VICE ROBERT E. BLACKBURN, RETIRED.

PHILIP M. HALPERN, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF NEW YORK, VICE P. KEVIN CASTEL, RETIRED.

RICHARD A. HERTLING, OF MARYLAND, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS

FOR A TERM OF FIFTEEN YEARS, VICE GEORGE W. MILLER, DECEASED.

RYAN T. HOLTE, OF OHIO, TO BE A JUDGE OF THE UNITED STATES COURT OF FEDERAL CLAIMS FOR A TERM OF FIFTEEN YEARS, VICE NANCY B. FIRESTONE, TERM EXPIRED.

KARIN J. IMMERGUT, OF OREGON, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF OREGON, VICE ANNA J. BROWN, RETIRED.

MATTHEW J. KACSMARYK, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF TEXAS, VICE MARY LOU ROBINSON, RETIRED.

DAMON RAY LEICHTY, OF INDIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF INDIANA, VICE ROBERT L. MILLER, JR., RETIRED.

THOMAS MARCELLE, OF NEW YORK, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF NEW YORK, VICE GARY L. SHARPE, RETIRED.

PAUL B. MATEY, OF NEW JERSEY, TO BE UNITED STATES CIRCUIT JUDGE FOR THE THIRD CIRCUIT, VICE JULIO M. FUENTES, RETIRED.

COREY LONDON MAZE, OF ALABAMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ALABAMA, VICE VIRGINIA EMERSON HOPKINS, RETIRED.

MATTHEW WALDEN MCFARLAND, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE THOMAS M. ROSE, RETIRED.

ERIC D. MILLER, OF WASHINGTON, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE RICHARD C. TALLMAN, RETIRED.

DAVID STEVEN MORALES, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE JANIS GRAHAM JACK, RETIRED.

SARAH DAGGETT MORRISON, OF OHIO, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF OHIO, VICE GREGORY L. FROST, RETIRED.

ERIC E. MURPHY, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE ALICE M. BATCHELDER, RETIRED.

CARL J. NICHOLS, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF COLUMBIA, VICE RICHARD W. ROBERTS, RETIRED.

HOWARD C. NIELSON, JR., OF UTAH, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF UTAH, VICE BRIAN THEODORE STEWART, RETIRED.

MICHAEL H. PARK, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE GERARD E. LYNCH, RETIRED.

J. NICHOLAS RANJAN, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE KIM R. GIBSON, RETIRED.

NEOMI J. RAO, OF THE DISTRICT OF COLUMBIA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE DISTRICT OF COLUMBIA CIRCUIT, VICE BRETT M. KAVANAUGH, ELEVATED.

CHAD A. READLER, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE DEBORAH L. COOK, RETIRING.

TIMOTHY M. REIF, OF THE DISTRICT OF COLUMBIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE RICHARD K. EATON, RETIRED.

RODOLFO ARMANDO RUIZ II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE WILLIAM J. ZLOCH, RETIRED.

ALLISON JONES RUSHING, OF NORTH CAROLINA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FOURTH CIRCUIT, VICE ALLYSON K. DUNCAN, RETIRING.

RODNEY SMITH, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA, VICE ROBIN S. ROSENBAUM, ELEVATED.

MICHAEL J. TRUNCALE, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF TEXAS, VICE RONALD H. CLARK, RETIRED.

WENDY VITTER, OF LOUISIANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF LOUISIANA, VICE HELEN G. BERRIGAN, RETIRED.

T. KENT WETHERELL II, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE JOHN RICHARD SMOAK, RETIRED.

ALLEN COTTHREL WINSOR, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF FLORIDA, VICE ROBERT L. HINKLE, RETIRED.

JOSHUA WOLSON, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE JAMES KNOLL GARDNER, RETIRED.

PATRICK R. WYRICK, OF OKLAHOMA, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF OKLAHOMA, VICE DAVID L. RUSSELL, RETIRED.

JOHN MILTON YOUNGE, OF PENNSYLVANIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE EASTERN DISTRICT OF PENNSYLVANIA, VICE MARY A. MCLAUGHLIN, RETIRED.